Family Violence and the Law

Participant's Handbook

Public Legal Education
and Information Service
of New Brunswick

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AGENDA

DAY ONE

- **8:30 a.m.** Welcome and Introductions
- **8:45 a.m.** Overview of the Agenda
- **9:00 a.m.** Module One: Understanding Family Violence
- **9:45 a.m.** Module Two: Recognizing Diversity and Unique Barriers

- **10:30 a.m.** **Nutrition Break**

- **10:45 a.m.** Module Three: The Woman Abuse Protocols
- **11:30 a.m.** Module Four: Criminal Law and Family Violence

- **12:30 p.m.** **Lunch (provided)**

- **1:30 p.m.** Module Five: Family Law and Family Violence
- **2:45 p.m.** Module Six: Personal Safety Plans and Legal Remedies

- **3:15 p.m.** **Nutrition Break**

- **3:30 p.m.** Module Seven: Responding to Women's Lived Realities

- **4:30 a.m.** **Adjournment**

DAY TWO

- **9:00 a.m.** Reflection on Day One
- **9:30 a.m.** Module Eight: Creating a Road Map to Empowerment

- **10:30 a.m.** **Nutrition Break**

- **12:00 p.m.** **Adjournment**

TRAINING OBJECTIVES

The training is based on the following learning objectives:

- You will learn about the prevalence of family violence, the theories and definitions of abuse, and the possible impacts of family violence on abused women and their children.
- You will learn about some of the unique and complex situations and barriers that relate to differences of gender, race, culture, sexual orientation and ability.
- You will learn about the new Woman Abuse Protocols and how they create a more consistent and holistic approach to dealing with abused women.
- You will learn about both family and criminal law issues that may be important to understand and share with abused women.
- You will learn about the complex issues surrounding personal safety of victims.
- You will learn how to develop polices and practices in your own agencies or lives that promote empathy, respect and the importance of suspending judgement while intervening in woman abuse cases.
- You will learn techniques for working with family violence networks in your region to help develop more effective, woman-centered responses for victims of family violence.
- You will learn the value of pooling resources to collectively promote a unique approach, more positive outcomes, and finally, a process of sustainable community development to addressing both the safety, social, economic and law information needs of abused rural women.

OVERVIEW OF THE MODULES

Module One: Understanding Family Violence

This module is intended to provide a solid understanding of family violence, why it occurs, the impact on people's lives, and the risks to children. Upon completion of this module, the participants will have demonstrated an understanding of family violence by:

- Defining family violence generally, and woman abuse in particular, as well as the terms associated with the subject;
- Defining forms of family violence;
- Explaining which forms of family violence are against the law;
- Describing family violence statistics;
- Describing the spectrum of violence;
- Describing the theories regarding men's use of domestic violence;
- Describing the impact of violence on females and the possible impacts on children who witness it.

Module Two: Recognizing Diversity and Unique Barriers

This module is intended to provide a solid understanding of the unique and complex situations that may arise due to differences of gender, race, culture, sexual orientation and ability. Upon completion of this unit, the participants will have demonstrated an understanding of issues of diversity by:

- Identifying unique characteristics of diverse situations that abused women may encounter when they seek help or turn to the justice system for remedies;
- Exploring ways to overcome barriers and to ensure that service delivery takes an inclusive approach that welcomes all victims and actively removes barriers to accessing information and services.

Module Three: Woman Abuse Protocols

This module is intended to give the service providers a firm understanding of the Woman Abuse Protocols, which are the foundation document that provides a comprehensive strategy to professionals in all relevant government departments in addressing family violence. Topics covered will include a review of development of the new Woman Abuse Protocols in 2004 and how the ways in which it promotes a "woman centred approach" and the development of regional "Roadmaps to Empowerment." Upon completion of this unit, the participants will have demonstrated an understanding of the Protocols by:

- Describing the history of the development of the Woman Abuse Protocols;
- Explaining what the Protocols are about and what they are intended to do, including understanding the empowerment approach philosophy;
- Examining how their own policy and procedures for working with abused women support the Protocols and lead to more effective responses for abused women.

Module Four: Criminal Law Issues and Family Violence

This module will explore what happens when criminal charges have been laid. This component looks at going to court, testifying, the role of victim services, making a victim impact statement and some of the special concerns that arise for abused women and their children involved in the criminal justice system. Upon completion of this unit, the participants will have demonstrated understanding of criminal law remedies by:

- Explaining the legal system;
- Explaining what kind of charges may be laid;
- Describing what an abused woman can expect when she calls the police to a domestic disturbance;
- Understanding the reasons for victim reluctance to participate in the criminal justice system and some of the ways that the system can alleviate that reluctance;
- Explaining pro-arrest and pro-charge policies;
- Explaining the support and services provided by Victim Services.

Module Five: Family Law Issues and Family Violence

This module is intended to explore the array of family law matters that may confront abused women who are leaving a violent relationship, especially when children are involved. It will include general information on child protection law and the concerns of abused women about losing their children. Upon completion of this unit, the participants will have demonstrated understanding of family law remedies and related issues by:

- Describing the family law issues that most parents need to resolve when they separate;
- Recognizing that control issues may continue to characterize family law matters such as conflict on parenting arrangements, payment of support, and division of property, and use of the courts and legal process as on-going mechanisms to maintain contact and control;
- Describing the services available to abused women such as domestic legal aid, FSOS, etc.

Module Six: Personal Safety Plans and Legal Remedies

This component will examine a range of options to help address personal safety including tips on making a safety plan, with a particular focus on issues of concern to rural abused women. Legal remedies for addressing harassing conduct will be explored such as: restraining orders, peace bonds, and other protective orders. Upon completion of this unit, the participants will have demonstrated understanding of personal safety and legal remedies by:

- Understanding the various legal remedies available to protect an abused woman, as well as their limitations;
- Understanding that personal safety is the paramount concern in any situation and that in helping abused woman the service providers' motto must be "to do no harm";
- Recognizing the elements of a person safety plan for abused women.

Module Seven: Starting Over - Responding to Women's Lived Realities

This module will explore other issues associated with leaving abuse including access to services for starting over such as housing, income assistance, training and employment and so on. Upon completion of this unit, the participants will have demonstrated understanding of the various aspects of starting over by:

- Understanding the complex journey that most women take to gain personal autonomy after leaving an abusive relationship;
- Recognizing the kinds of services and resources that can make a difference in supporting women as they struggle to become economically and emotionally self-sufficient;
- Describing the process of change that a woman who experiences violence may go through in seeking to improve her life and keep herself safe and the various interventions that correspond to this process;
- Knowing where to refer women for diverse service and assistance.

Module Eight: Creating a Roadmap to Empowerment

This component will involve a group brainstorming session, which identifies the service landscape of the region, explores gaps in services and resources, and develops a coordinated, community action plan to help abused women find the support they need. It will include a discussion on ways to share information, dispel myths, and help abused women access resources such as crisis services, counselling, legal aid, financial support, housing, employment, and legal representation. This session may involve working with local Regional Networks. Upon completion of this unit, the participants will have demonstrated an understanding of personal safety and other issues by:

- Working collaboratively to map the service landscape of their region;
- Recognizing where they and others fit into this landscape in order to develop more effective, woman-centred responses for victims of family violence;
- Understanding how they can pool resources to collectively promote more positive outcomes for women leaving abuse, while

creating a process of sustainable community development to address the safety, social, economic and law information needs of abused rural women;

- Creating a "roadmap" to empowering women seeking helping including an action plan for staying connected, making referrals, and sharing information with abused women about services and resources.

EXERCISE 1.1

THEORIES OF MALE VIOLENCE TOWARDS WOMEN

Theories about male violence against women influence our beliefs about victimization, treatment, and prevention. They underlie our public policies. You may have heard of all of these theories. Do you know what kinds of theories form the basis of these assumptions?

Draw a line to match the description of the theory with the correct category of the theory.

Assumption	**Category of Theory**
1. Individual pathology such as personality disorders explains why men batter.	Darwinian (evolutionary) Theories
2. Violence is a tactic of control and dominance that is condoned by societies that privilege men over women.	Organic Theories
3. Men are more violent than women because they are genetically programmed that way.	Psychological Theories
4. Family violence stems from the couple's inadequate interpersonal strategies for communicating with one another.	Conservative Religious Theories
5. Violence was once an adaptive advantage for men to control their wives reproduction.	Social Exchange Theories
6. All violence is a learned behaviour that is transmitted through the generations.	Feminist Theories
7. Men who batter have had a brain injury in the past or some kind of neurological damage as an infant.	Social Learning Theories
8. Lack of traditional family autonomy and the breakdown of social values promote divorce, same-sex couples and abortion, which result in violence and dysfunction in the family.	Socio-biological Theories

EXERCISE 2.1

DIVERSITY

Circle the correct answers or check true or false.

1) A national research study shows that Canadian women are at greatest risk of being abused by their spouses or common-law partners when they are:

a) over 50 years of age
[✓ b)] 25 to 34 years of age
c) 18 to 24 years of age (→ higher risk of domestic homicide)
d) 35 to 50 years of age

2) Rates of family violence are higher among immigrant women because immigrant men are more likely to think it is acceptable to beat their wife.

☐ TRUE or
☑ FALSE

3) When women in same sex relationships experience family violence, they may find it difficult to get help because:

a) they may fear being outed
b) other people may be judgmental
c) service providers think that abuse only happens in male-female relationships
[✓ d)] all of the above

4) The rate of family violence and abuse of women with disabilities is

[✓ a)] 10 times higher than women without disabilities
b) about the same as women without disabilities
c) 5 times higher than women without disabilities
d) much less than women without disabilities

5) Most violence against persons with disabilities happens in institutional settings.

☐ TRUE or
☑ FALSE

6) Family violence services for First Nation's women are not necessary because family violence is not common and any services required are provided on the reserve.

☐ TRUE or
☑ FALSE

7) Older adults are at increased risk for physical abuse compared to other forms.

☐ TRUE or
☑ FALSE

(higher risk [illegible])

8) A recent study on women who experience abuse in a rural context found that:

a) small communities offer more support to victims of abuse than urban centres
[✓ b)] family and friends of rural women think that the abuse is normal
c) people do not tolerate men who act abusively towards their spouse
[✓ d)] firearms in the home make the abuse more threatening.

9) A national study by Kwing Hung (Firearms Statistics-March 2000) found what percentage of Canadian women who were killed by their husbands were shot?

a) 75%
b) 30%
c) 15%
[✓ d)] 40%

10) The safest time for an abused woman is during pregnancy because physical violence tends to lessen.

☐ TRUE or
☑ FALSE

11). There is a need to address gender differences in abuse programming for women and girls, compared to that of boys and men because

a) boys are never victims of abuse
[✓ b)] girls and women are more likely to internalize their reaction to violence than men or boys
c) girls and women develop mental disorders if not treated for abuse, while boys and men are much more resilient
[✓ d)] none of the above.

12) In a study of abused farm and rural women in New Brunswick, many of the women reported that their partners threatened to kill their pets or farm animals.

☑ TRUE or
☐ FALSE

13) Workplace violence can involve insults, threats, bullying, physical assaults, or sexually harassing behaviours in the place of employment. Perpetrators of workplace violence may include:

a) other employees
b) the employer
c) clients or business customers
[✓ d)] all of the above
e) none of the above

EXERCISE 2.2

BUILDING INCLUSIVE PRACTICES

It is important that service providers and others who work with abused women develop an awareness of diversity issues and how they might impact on the ability of women to access services and resources. The Handouts provided in Module Two will help you identify some of the diversity considerations. In this exercise you explore your roles in addressing diversity.

Working in small groups answer the following questions. Have someone from your group report back to the main group.

1. How does your organization/agency address cultural and racial diversity? For example, what types of cultural and/or anti-racism training does your organization/agency provide for staff and volunteers? Does it help to make your service more inclusive? If you are not doing anything, what could you do?

2. How does your organization/agency address literacy considerations? For example, do you use alternative formats to promote and deliver services and/or resources? Does it help to make your service more inclusive?

EXERCISE 3.1

EMPOWERING WOMEN

Instructions:

You will work in small groups of 3 to 5 using this Exercise.

Discuss the questions below. After you finish, the facilitator will ask each group to report back to the larger group. The facilitator will ask someone from each group to write their ideas out on a Flip Chart, in point form.

Time:

- **10 minutes**

1. What does it mean to empower abused women?

Discuss this question for about 5 minutes.

2. List ways that service providers or individuals might assist in empowering women?

Discuss this question for 5 minutes. What is the difference between offering help and taking charge of the situation? Is it ever tempting for service providers to take control? How can you counter prevailing negative attitudes that blame women, without seeming to criticize her family, friends and community? Should you do everything for her if she asks you to?

EXERCISE 4.1

WHAT IS A WOMAN ABUSE CRIME?

In addition to the horrendous crimes such as **murder**, **attempted murder**, **manslaughter** and **criminal negligence causing death or bodily harm**, family violence victims may experience many other offences. Break into small groups and read the scenario below. In the right hand column, see if you are able to identify behaviour that is criminal in nature. Are there any behaviours that you think are hurtful, but are not considered an offence? List both kinds of behaviour and write "Yes" or "No" beside to indicate whether they are crimes or not.

Scenario	What are the crimes? What hurtful behaviour is not considered an offence?
After years of abuse, Jane decided to take the children and move out. Last night had been the final straw when her husband John had forced her to perform degrading sexual acts. She told him she was packing to go to her mother's house. He told her everyone knew she had been for counselling for depression and that because she was mentally ill no court would ever let her have the children and he wasn't going to let her take them. He began to call her derogatory names, accused her of cheating on him and told her she was worthless. John was furious and he began to beat Jane in the face. Both the children witnessed the beating. As a final gesture, John told her if she left she would be sorry. Jane called the police. She wanted them to arrest him and help her to leave with the children.	

EXERCISE 4.2

MANDATORY CHARGING

Break into small groups. Read the following scenario and respond to the questions. Get someone from your group to volunteer to report back to the larger group.

Scenario

The police are called to a domestic dispute. The husband weighs 250 pounds and his wife weighs 98 pounds. The wife appears to have fresh cuts and scrapes on her face, and her left eye is beginning to swell and blacken. It appears to the police that the woman has been assaulted. However, the husband claims that his wife assaulted him first. He says that she slapped him repeatedly with her open hand. He has no visible injuries. Both individuals want the other charged.

1. Pro-charging or mandatory charging policies differ across the country but all generally provide that charges be laid in domestic disputes where there are reasonable and probable grounds to believe an assault has taken place. In the above scenario both persons claim the other assaulted him or her. Under mandatory charging policies both persons could be charged with assault. **Do you think the police should charge both persons with assault? Why or why not?**

2. Some police have adopted a "primary aggressor" policy. This allows police to consider the full nature of the assault such as who struck first and who acted in self-defence, in order to decide whether one or both parties will be charged. **Do you think primary aggressor policies offer a better mechanism for dealing with domestic abuse? Why or why not?**

EXERCISE 4.3

MISMATCHED EXPECTATIONS

Sometimes people have expectations about how the police and the criminal justice system can, and should, respond to their victimization. You will work in small groups of 3 to 5 using this Exercise.

Discuss the chart below and decide whether the expectations are realistic or not. Do they reflect actual police powers or principles of justice? After you finish, the facilitator will bring the group together to review the chart and to clarify why expectations are realistic or unrealistic.

Chart: What Victims Expect from Police and Criminal Justice System

Common Expectations	**Is this realistic or accurate?**	**Why or why not?**
Police can just take an abuser away from a domestic dispute and let him cool off at a friend's home.		
Police can provide protection if she is afraid of him, like driving by or parking out front.		
If the police arrest him, they will lock him away until the trial.		

Police will tell her everything that's happening, such as when he's released from custody, etc.		
If she leaves, the police will take her back to her home the next day to get some things.		
Going to court will provide personal vindication of all her suffering at his hands.		
Nobody will believe her if she was drinking the night of the assault.		
The Crown Prosecutor is the victim's lawyer and can read her statement in court, so she won't have to testify.		
The accused will be made to tell his or her side of the story in court.		
The abuser will ask her questions in court and say she is lying.		
If he is convicted, he will be sent to jail.		
The court can order the abuser to get counselling.		

EXERCISE 4.4

EXPLORING CRIMINAL LAW QUESTIONNAIRE

Working in small groups please answer the following questions.

1. "Wife battering" like "common assault" is a criminal offence under the ***Criminal Code.***
   - ☐ True
   - ☐ False

2. The accused must prove his or her innocence in a criminal trial.
   - ☐ True
   - ☐ False

3. If the police have good reason to believe that an assault has occurred, they must take the alleged perpetrator into custody?
   - ☐ True
   - ☐ False

4. If the Crown prosecutor recommends against laying a charge, the police can still go ahead and lay one.
   - ☐ True
   - ☐ False

5. An abused woman has the right to withdraw a charge if she changes her mind later on.
   - ☐ True
   - ☐ False

6. Once an accused has been charged, he must remain in jail until the trial.
   - ☐ True
   - ☐ False

7. An accused can be compelled to testify at trial.
   - ☐ True
   - ☐ False

8. The Crown prosecutor is the victim's lawyer.
   - ☐ True
   - ☐ False

EXERCISE 5.1

EXPLORING FAMILY LAW MYTHS

The following exercise examines some of the family law myths that may directly affect the decisions made by abused women when leaving, or thinking about leaving, abusive relationships. It should also provide you with some general family law information.

The facilitator will distribute the myth cards to participants and ask you to take turns reading the myth on your card. You will then have a discussion. Have you heard this myth before? Is it common place? Why might it be harmful for an abused woman if she believed this myth? The facilitator will work with you to dispel the myths and share facts about these family law issues. You can view Handout 5.1 for more detailed information on the facts. After the exercise, the facilitator will ask each of you to consider how you and other service providers are positioned to dispel myths.

Myth 1
When a woman leaves an abusive situation, it is a good idea not to "set him off" by asking for custody or child support. Best to just leave.

Myth 2
If she leaves because of spousal abuse, the courts will not give her partner custody or access to the children.

Myth 3
If a woman leaves the children behind when she flees a violent relationship, she will lose her right to ask for custody of the children.

Myth 4
The best way to ensure that your abusive partner will not be able to bother you when he sees the children is to take them and run away where he can't find you.

Myth 5
Many people believe that if the access parent does not exercise his or her right to see the children, she/he does not have to pay child support.

Myth 6
If an abuser does not want his spouse to leave and divorce him, he can prevent her from getting a divorce.

Myth 7
Married couples who separate are legally divorced after 7 years.

Myth 8
If a woman walks away from an abusive relationship, she gives up all her rights to the marital property.

Myth 9
Couples living in a common-law relationship are legally married after three years.

Myth 10
Many women who are involved in the criminal justice system as a victim of domestic violence believe the judge will settle family law issues when she/he sentences her partner.

EXERCISE 6.1

STAYING SAFE

Working in small groups, answer the following questions.

1. **Research shows that an abusive man may look for ways to continue to contact and harass his spouse or partner after she leaves. In addition to laying criminal harassment charges, can you identify two other legal or non-legal mechanisms she can use to protect herself?**

Change phone # email, cell display answering machine Peace bond
go to safe house Restraining order

2. **Peace bonds are protective orders available under the *Criminal Code*. A peace bond is a court order whereby an individual promises to "keep the peace and be of good behaviour" for a limited period of time. If a woman has already been assaulted, a peace bond may be a suitable substitute for an assault charge.**
   ☐ **TRUE or**
   ☑ **FALSE**

   Explain why or why not. they are a preventative measure

   if she's already been assaulted we know it's not protecting [illegible]

There can be add'l amendments
" can't come within 100' "
" prohibiting from communicating w/ her, her relatives, friends "
children's common
" must attend [illegible]
Dependent order

Can take 4–8 wks to get these orders
There must be reasonable fear of harm against you / your children / your property
& cost about [illegible]
[illegible] police
[illegible]

3. **Getting a peace bond against someone will result in their having a criminal record.**
   ☐ **TRUE or**
   ☑ **FALSE**

4. **Another option for addressing harassing conduct is to get a civil restraining order under the *Criminal Code.***
   ☐ **TRUE or**
   ☑ **FALSE** Can't be done due to separation in legal systems. ↑ is Family law

5. **A peace bond and/or a civil restraining order will guarantee a woman's safety.**
   ☐ **TRUE or**
   ☑ **FALSE**

   Explain why or why not.

   It's only as good as ~~The~~ the person's behaviour

EXERCISE 6.2

IMPROVING SAFETY

Please discuss the following questions in your group. You may want to ask someone in your group to write down the answers.

Questions:

1. When would a woman need a safety plan?
2. What are some of the key elements of a safety plan for women living with her abuser?
3. What should a woman know about her safety on the Internet?
4. Many people think the violence ends when she leaves. There is research which indicates that violence may escalate after separation. What are some of the key elements of a safety plan for women who have left their abusers?
5. What about her safety in the workplace?
6. Why do you think she needs a safety plan for her children? What might it include?
7. Can you identify any service providers or agencies in your area that provide assistance in creating safety plans?

EXERCISE 7.1

HOW SERVICE PROVIDERS CAN HELP ABUSED WOMEN BECOME EMPOWERED

Instructions:

You will work in small groups of 3 to 5 using this Exercise.

Discuss the chart below. How can you or your agency and others in the community help victims of family violence to become empowered to take action? Use the chart below for your answers. After you finish, the facilitator will ask each group to report back to the larger group.

Time:

- **10 minutes**

Chart: Landscaping Services and Empowering Abused Women

Remember, you should not be imposing any services on her or taking away her right to choose. You role is to help her to become empowered.

What are her needs?	**What services might help her, her children, and/or the abuser? How can you help her to access to these services?**	**How does addressing this need empower women?**
Personal safety		
Basic needs		
Counselling and ongoing support		
Safe and affordable housing		

Financial security (short term solutions i.e, social assistance and child support)		
Training and employment		
Health related issues Short and long term		
Legal issues		
Child-care services		
Emotional healing journey		

Source: Participants' Handbook. Training : Woman Abuse Protocols, May-June 2004. Women's Issues Branch, Executive Council Office, Province of New Brunswick. Adapted with permission.

EXERCISE 7.2

FEAR OF SERVICE PROVIDERS

Consider the service providers and helping agencies in the chart below, and provide at least one reason for each one why an abused woman might be fearful of disclosing abuse to these service providers or helping agencies.

Helping Agency or Service Provider	Reasons for Woman's Reluctance to Disclose
Child Protection	
Mental Health Centre	
Emergency Room Staff	
Family Doctor	
Minister/Faith Community leader	
Police	
Transition House	

EXERCISE 7.3

SKIT – A WOMAN'S CRY FOR HELP

(A special thanks to the New Brunswick Silent Witness Committee, who freely share this skit as a tool for bringing attention to the barriers faced by women leaving abusive relationships. We have adapted the skit for use in this workshop.)

SCENARIO #1

Marie and Sam married when they were 19 years old. They live in rural New Brunswick. Initially Sam was very attentive, always showering her with flowers and gifts. And because he loves her so much he wants her to spend all her time at home with him and does not allow her to work outside the home.

As time goes by, Sam insists that her friends interfere with their relationship and forbids her to spend time with any of them. Through the next year of their relationship, Sam is constantly telling Marie that she is fat and ugly and how lucky she is to be with him because HE loves her unconditionally.... that most men would not have anything to do with her.

Two years pass and Marie and Sam have a child. When she is seven months pregnant, Sam hits her for the first time and tells her to sleep on the couch until she gets her figure back. Soon after the birth of their child, Sam starts yelling at Marie all the time, telling her that she is worthless and what a bad mother she is. One night Sam comes home and accuses Marie of having an affair with someone in town. Marie explains that she is not having an affair, that she was just talking with Rob in the grocery store. Sam gets angrier and forces Marie to have sex even though she begs him to leave her alone.

After each of his violent outbreaks, Sam brings Marie flowers and assures her this will never happen again. Marie understands that Sam is just under a lot of stress at work and forgives him for hitting her. After years of enduring Sam's abuse, Marie realizes something is wrong and tries to discuss the situation with someone in her family.

Card # 1 "Family"

> **Family member says "Sam's a good husband and father. He's just under too much stress these days. Try to be more understanding and things will calm down. And remember, don't discuss this outside the house, or everyone in town will know about it."**

Marie tries to be more understanding and do everything right, but the violence doesn't stop. There is always something that Sam finds wrong in the house or with the kids or with her. One night her mother is sick and she goes over to her house even though Sam told her she couldn't leave the house. When she comes home he tells her that he has killed the dog and starts kicking and hitting her. She manages to break away and uses the phone to call the police.

Card #2 "Law Enforcement"

> **The police respond to the 911 call from Marie. Due to the remote area in which Sam and Marie lives, it takes 40 minutes to get to their home. The police officer coaches the local men's baseball team. He spends time talking to Sam and tells him he needs to calm down and to just go stay at his sister's for the evening.**

Sam disappears for two days and doesn't call or let anyone know where he is. When he comes home he tells Marie that she better not call the police again. He assures her that if the police ever charge him he would commit suicide and it would be her fault. Sam continues to disappear for periods of time and does not tell Marie where he is, but gets angry if she is not home when he calls. Sam takes Marie to a party with some of his friends and then accuses her of flirting with all of them. When they get home he starts pushing her into the house. She strikes back and he begins punching her in the chest. Marie is screaming. She manages to get to a phone and calls her closest neighbor who call the police.

Card #3 "Law Enforcement"

> **The police respond to the 911 call from the neighbour. Because the police happen to be in the area because of a car accident, they arrive in 15 minutes. Sam appears calm while Marie is highly agitated. He tells them Marie hit him. The neighbour is not interviewed. The officer tells Marie that she can be arrested for assaulting Sam and tells her that she needs to calm down or she will be arrested.**

Sam is not arrested this time either. Marie smells like alcohol and the officer tells her to go sleep it off. The next day Marie notices that her ribs are sore and it hurts to breathe. She goes to the emergency room and tells the hospital staff that she fell off the porch.

Card #4 " The Hospital"

> **The nurse who is triaging the case notes that Marie has multiple injuries and bruising in various stages of healing. The injuries are noted on Marie's chart. The nurse suspects that Marie is an abused woman but does not know how to approach the subject particularly since Sam has rejected her suggestions that he leave the room. The doctor consults with the nurse and while agreeing something needs to be done, they are at a loss for what to do. The doctor treats Marie and she is released.**

Marie does not think that the doctor could help her even if she did tell her what really happened. And she has decided that calling the police is not the answer. She thinks that the best thing would be to take some steps to save her marriage. She confides in her minister, who seems very concerned and eager to help.

Card #5 "The Minister"

> **Minister meets with Sam and Marie together. He acknowledges that Sam is sorry about his abusive behaviour and asks Marie to forgive him. Minister encourages Sam and Marie to work on their problems and to keep the family together.**

Marie promises to try harder. She is really exhausted by this point. The kids are having problems at school which Sam blames her for. He says that she babies the boys too much and is not disciplined enough with them. Marie is starting to worry about the effects of the violence on the children but she doesn't know how to stop it. She vows that he will never hurt the kids. Sam threatens her that if she ever leaves she will not get the kids. Marie's older child is aggressive to other kids in school and is getting bad grades. He is frequently late for school and has not done his homework.

Card #6 "The Teacher"

Teacher meets with Marie during a parent/teacher interview and discusses her child's poor performance. Marie promises her that her child will work harder. The teacher has not been trained to recognize the signs of family violence.

Sam gets very upset about his son's school problems and tells Marie she better get tougher with him. Sam beats Marie with a belt in front of the children and tells their son that if he doesn't straighten up he is next. () Marie is really scared for her children and decides to call that women's shelter she has heard about.

Card #7 "The Shelter"

The shelter worker tells Marie there are not any available beds for herself and her three children. She then advises her of a homeless shelter that is only 35 kilometers away from her town. She tells Marie they cannot help with transportation costs because they have no budget.

Marie just cannot imagine going to a homeless shelter with her kids. Besides how would she get to either shelter that far away. She has no car and there is no public transportation. She decides that she will have to try harder to keep everything calm. She talks again to her mother, who advises that they get some marriage counselling.

Card #8 "The Counsellor"

Marie and Sam seek marital counselling. The counsellor believes that Sam and Marie must learn how to change the way they communicate with one another.

During the counselling the violence starts to get worse again. Sam often repeats things the counsellor has said about Marie's role in the violence. He acknowledges that they are both from dysfunctional families and that they have communication problems. One day Marie admits in counselling that she has considered leaving Sam if things don't improve. That night Sam beats her up worse than he ever has before. He points a gun at her head and tells her she is dead if she ever tries to leave. He says that he will kill her and the children.

Marie decides that she must move out with the children. There is room at one of the transition houses and she gets a friend to drive her. She stays for two days and decides to find an apartment to live in. There is very little housing in her small community. Marie's mother loans her some money and she moves to a low-income housing apartment her friend has found. Unfortunately she cannot change schools since there is only one. She hopes that Sam will not find out where she is.

Card #9 "Establishing a new residence"

Marie rents a small apartment in town but runs into problems when she goes to get her power hooked up. Sam's sister works at the utility office and gives Sam Marie's new address.

Sam constantly monitors Marie's whereabouts and starts coming by her new apartment. He starts following her when she takes the children to school and repeatedly sends messages home with the children.

Card #10 "Living in Poverty"

Marie applies for social assistance, and does not disclose that she is an abused woman. The worker does not think to ask Marie questions which will get Marie assistance as an abused woman. Instead, she tells Marie that it will take several weeks to process her application.

Sam keeps showing up at Marie's apartment and demands that she take him back. Marie is afraid so she escapes to a neighbor's and calls the police but by the time they get there he is gone. The police tell Marie that there is nothing they can do - Sam has done nothing to harm her

Card #11 "Growing Isolation"

Marie has not been able to get the phone connected because she has no money. She remains in the home without any way to call for help.

Sam continues coming by regularly and tells Marie that it is time they get back together. She has no money and the kids are hungry so she lets Sam move in. He starts taking control of everything. His jealousy increases and he accuses Marie of having affairs while they have been separated. One night he starts hitting her and their son gets hit in the face when he tries to stop his father.

Card #12 "Department of Family and Community Services"

A neighbour calls child protection after hearing one of the children screaming. An investigation determines that Marie is failing to protect the children from Sam and the social worker eventually removes the children.

After the children are removed the violence increases. An arrest is finally made.

Card #13 " The Judiciary"

Judge has known Sam for many years and believes he cannot afford a high bond. Therefore, the judge sets bond at $1000. He does not inquire about prior family violence. Because it is hunting season, the judge does not order that Sam's weapons be removed. Sam pays $100 to the bail bondsman and gets out of jail.

Sam returns to Marie's house and beats her up again. He says "haven't you learned your lesson yet? I'll find you wherever you go and I'll kill you if you ever try to leave me again.

++

DISCUSSION:

What do you remember about the woman under the sheets?
Has she lost her identity?
How do you think she feels? No one situation is unusual, the sheets represent the cumulative effects of abuse. You can see that we have lost track of the young woman.

++

SCENARIO #2

What could happen if everyone in the community acted appropriately in the Sam and Marie scenario?

Card # 1 “Family”

When Marie went to her family they said; “ You don’t deserve to be treated this way no matter what. Don’t worry what everyone in town thinks. We’re here for you tell us what you need."

Card #2 “Law Enforcement”

When law enforcement arrives they look for evidence and then arrest Sam after seeing Marie’s bruised face. Law enforcement treated the incident as a crime, even though they had a personal relationship with Sam.

Card #3 “Law Enforcement”

Police interview neighbours and ask permission from Marie to search the house. Also, they have a policy of "primary aggressor" to address the issue of dual charging.

Card #4 “ The Hospital”

When the doctor discovers multiple injuries and bruising which indicates different time delays between injuries, the doctor insists that Sam leave the room and then asks Marie if someone has done this to her. He tells her family violence is a crime and gives her educational information, which includes the local family violence hotline number. He promises to keep her confidence and invites her to come back if she needs more information.

Card #5 “The Minister”

When Marie tells her minister, the minister agrees to meet separately with Marie and Sam. He tells Marie she does not deserve such treatment and reassures her that God does not want her to be treated this way. He encourages her to separate while Sam gets treatment for batterers at a special program. He asks Sam to visit a sister congregation until everything is settled.

Card #6 “The Teacher”

The teacher has received training in family violence and identifies the situation as such. At the parent/teacher interview the teacher offers educational information to Marie and agrees to keep an eye on the kids and let Marie know if Sam tries to take the children away from school.

Card #7 “The Shelter”

When the shelter has no beds for Marie, the hotline worker offers Marie help in getting into a neighbouring shelter. The shelter coordinates transportation for Marie to the neighbouring shelter.

Card #8 "The Counsellor"

When referred to professional counselling the counsellor refuses to see both Marie and Sam in marriage counselling because of the power and control issues. Sam is referred to a nearby batterers treatment program and Marie goes to a support group with other women.

Card #9 "Establishing a new residence"

When establishing a new residence Marie is assisted by a power company supervisor in getting power turned on. Sam's sister, who works for the power company, is prevented from access to the information on Marie's address.

Card #10 "Living in poverty"

During the application process, the social assistance worker pieces together Marie's story and identifies her as an abused woman. She then provides information and assistance to Marie on the special benefits program available to abused women.

Card #11 "Growing Isolation"

Although isolated from neighbours, Marie uses a cell phone provided by the family violence unit and calls 911.

Card #12 "Department of Family and Community Services"

When Department of Family and Community Services is called, the worker responding has been trained in the dynamics of family violence and responds by helping Marie in every way. Educational information is given to Marie, and referrals are provided for child care and to Family Court for custody and support of the children.

Card #13 "The Judiciary"

When facing charges the judge considers Sam's prior offences and sets bond at $50,000. Sam cannot come up with the 10% cash it will take to pay the bond. And should Sam approach friends and family for bond money, everyone agrees he is where he belongs. Marie would feel relatively safe and would be able to independently establish her life. She and her children are fine.

EXERCISE 8.1

A FAMILY VIOLENCE COMMUNITY ACTION PLAN

This exercise has four steps.

Step 1: Landscaping Your Region
For this first step you will break up into small groups of 3 to 5 for discussion. Each group should have a flip chart paper and markers. You will try to identify the existing services in your community to respond to the needs of abused women, for some or all of the categories. You will come together as a large group to discuss the findings from Step one. Someone will be asked to volunteer to report back.

Step 2: Identify gaps and the barriers
You will then have another opportunity for small group discussion of the gaps in services and resources. You will come together as a large group and each group will be asked to share. Someone will be asked to volunteer to report back.

Step 3: Set Priorities for Addressing Family Violence.
You will share your ideas for addressing gaps and use the dotmocracy exercise to see if any particular issues emerge as overall priorities.

Step 4: Develop Partnerships
You will have an opportunity to network.

A Family Violence Community Action Plan

Step 1: Landscaping Your Region

Consider the following question:

1) **Under each of the headings provided below, identify existing services and resources available in your community that can assist an abused woman throughout her journey.**

   - **Systemic supports such as Victim Services, Family and Community Services, Training and Employment.**

   - **Educational Services and Resources that may assist with safety planning, public education, parenting skills, credit counselling, etc.**

   - **Health and Medical Services including physicians, emergency room, public health, other health practitioners.**

- **Religious/Spiritual organizations including churches, prayer groups, choirs.**

- **Outreach programs including Counselling services, Family Resource Centres.**

- **Crises response programs and services including police, transition houses, hospitals.**

- **Community Support Organizations. This may include services such as Second Stage Housing, Family Resource Centres, YWCA and YMCA.**

- **Counselling & Support Groups including child protection services, support groups, Family Resource Centers, single women groups, health and wellness counselling.**

(REPORT BACK)

Step 2: Identifying Gaps and Barriers

Consider these two questions:

1. **What are the gaps in services and resources for dealing with family violence in your community?** (List at least three services you would like to have available.)

2. **What barriers would need to be addressed to ensure women in your community could access existing and proposed services and resources? Consider the diverse needs of different women in you community, i.e. First Nations women, rural women, immigrant women, women with low literacy levels. List five.**

(REPORT BACK)

Step 3: Setting Priorities – "Dotmocracy"

Consider these two questions:

1. What are the priority issues for dealing with family violence in your community?

During the report back from Step 2, each of the groups will be asked to list three major issues the community needs to address to improve the response to family violence for your region. Eventually, there will be a dozen or more possible priority issues.

Each of you will be given five red dots and asked to put them on the issues which you think are of greatest importance or priority. You can put all your dots on one issue if you wish!

2. What can you do to help?

After setting priorities, the facilitator will ask you to consider these questions:

"What are the abilities and resources that you as an individual, as a member of your work sector or organization, or as part of a broader network, could contribute to addressing family violence in general, and the priority issues identified above in particular?"

How could you pass on or share the knowledge that you have learned in the training session? With other service providers? With abused women? With friends or family?

Step 4: Developing Partnerships

Consider these two questions:

1) **What support do you need?**

Identify the resources, both financial and human, that would help you carry out any suggested projects or services. Where could you get these resources? Who could help?

Consider the existing or planned services, projects, activities, or information that you need to help address the priority issues.

Include ideas for support that would help to educate the public and involve them in family violence projects (e.g. training, educational material, equipment, expert advisors). List 3.

2) **What partnerships should you make?**

In what ways would partnerships improve your ability to achieve your goals?

Who could be involved in these partnerships? List 2 possible partnerships.

Are there any participants at the training who you do not currently partner with?

How can you stay connected to one another once you leave?

EXERCISE 8.2

STRATEGIES FOR DISSEMINATING INFORMATION

Research has shown that women living in rural areas tend to seek out local service providers for law information and resources on abuse rather than accessing the resources in the urban centers. Having access to accurate and timely information may increase an abused woman's safety, assist in her decision-making, and in some cases it may be lifesaving. Disseminating information can be a key element of any family violence prevention strategy.

The facilitator will give you each a family violence **"Lipstick Tube"** and a **Poster on Family Violence**. Working in small groups, devise the following strategies:

1. A strategy for getting the "Lipstick Tubes" directly into the hands of abused women in a safe and effective manner.

2. A strategy for disseminating and displaying the poster on family violence in rural communities to create public awareness of family violence for the community at large and also for abused women.

When examining your strategies, consider whether they would put an abused woman at risk.

Would these strategies differ if you were trying to reach Immigrant women, Aboriginal women, women with disabilities and so on?

What are some of the unique barriers that rural women might face when seeking information? What could you do to eliminate these barriers?

(REPORT BACK)

HANDOUT 1.1

VICTIMIZATION DATA

Family Violence in Canada: A Statistical Profile (2002)

Although 8% of women and 7% of men in this Statistics Canada national telephone survey reported experiencing violence in an intimate relationship over the past year, the consequences for the genders was quite different. Victimization data shows that:

Compared with men, women are

- six times more likely to report being sexually assaulted;
- five times more likely to report being choked;
- five times more likely to require medical attention as a result of an assault;
- three times more likely to be physically injured by an assault;
- more than twice as likely to report being beaten;
- almost twice as likely to report being threatened with a gun or knife, or having a gun or knife used against them;
- much more likely to fear for their lives, or be afraid for their children as a result of the violence;
- more likely to have sleeping problems, suffer depression or anxiety attacks, or have lowered self-esteem as a result of being abused; and
- more likely to report repeated victimizations.

Also, compared with men, women

- were four times more likely to report being threatened or harmed, or having someone close to them threatened or harmed;
- were four times more likely to report being denied access to family income;
- were more than twice as likely to report having their property damaged or their possessions destroyed;
- reported a higher incidence of being isolated from family and friends; and
- reported a higher rate of name-calling and put-downs.

HANDOUT 1.2

FORMS OF ABUSE

- **Physical Abuse** includes hitting, pinching, slapping, pushing, punching, kicking, burning, stabbing or shooting. It may also include threats to cause harm.

- **Psychological Abuse** (sometimes referred to as emotional or verbal abuse) includes put-downs, name-calling, jealousy, isolation from family and friends, and threats to leave the relationship or to commit suicide if the victim does not co-operate.

- **Sexual Abuse** includes unwanted touching or sexual activity. It may include control over birth control, forced pregnancies or abortions and transmission of STDs.

- **Financial Abuse** occurs when an individual uses finances to control another individual. This could include forcing a person to hand over all or part of their salary or by denying someone access to their own finances.

- **Spiritual Abuse** occurs when an individual uses religious or spiritual matters to control another, such as forcing another to follow a particular faith or give up their religion.

HANDOUT 1.3

THEORIES OF MALE VIOLENCE TOWARDS WOMEN

No one theory can fully and adequately account for all forms of family violence. Even the most dominant theories, such as social learning and feminist theories, do not account for all abuse. However, it is important to know that there are different theories and that they influence our definitions, program delivery and even personal beliefs.

In the article, ***Theory Derived Explanations of Male Violence Against Female Partners***,[1] the authors group these theories broadly into five categories.

1) **Biological / Organic Theories**
2) **Psychological Theories**
3) **Systems or Social Exchange Theories**
4) **Sociological Theories**
5) **Feminist Explanations**

1) Biological / Organic Theories

Darwinian: Early theories suggested that biology accounted for differences in male and female gender roles. Darwinian theories promoted the notion that gender role behaviour was innate and male aggression towards female partners resulted from genetics. Male aggression was an inherited predisposition because it was adaptive in our past. Evolutionary theory emphasized that such genetically inherited behaviours help us respond successfully to environmental and other problems and to reproduce. All behaviour was though to result from internal psychological mechanisms developed through natural selection. Woman abuse was seen as a "male retention tactic" to help men keep their mates.

Socio-biological theories: sometimes called evolutionary psychology, replaced genetic determinism with the notion that gene-based internal mechanisms are triggered by certain situations. Although genes do not cause men to beat women, males will try to keep a wife by beating her, even killing her, as a tactic to maintain sexual fidelity of female mates and reproductive control, while preventing her from being unfaithful. Social factors are seen as intervening variables that modify or trigger the behaviour. Wife abuse evolved an adaptation that somehow enhanced fitness in a particular environment.

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[1] Cunningham, A. et al. (1998). Theory-Derived Explanations of Male Violence Against Female Partners: Literature Update and Related Implications for Treatment and Evaluations: Executive Summary. London Court Clinic.

Organic theories: More recently, researchers have found a possible organic link between brain dysfunction and neurological impairment caused by head trauma and reduced impulse control and communication difficulties, which can lead to family violence. Men with head injuries may become violent, and it is believed that men who beat their wives may have had head trauma at some time. The brain injury may lead to a change in personality, which causes stress in the family and promotes abuse (Gearan and Rosenbaum: 1996). This theory has been linked to research on neurological damaged caused by early childhood abuse and neglect, which suggests the need for prevention at a very early stage (Perry: 1996).

2) Psychological Theories

Recent literature in psychopathology focuses on the individual personality traits. For example, childhood experiences and trauma have been found to create entrenched personality disorders. Some researchers, such as Donald Dutton, believe that personality disorders are over-represented in wife batterers especially borderline personalities and anti-social personalities. They believe that we need to assess the unique characteristics of each batterer in order to uncovers the profiles of male batters and develop more individualized treatment regime. Psycho-educational approaches alone are not effective for treating batterers with personality disorders, and the outlook for anti-social or psychotic personalities is bleak as they may learn to feign empathy if placed in therapeutic progress.

3) System Theories

Systems theories, particularly social exchange theory, focus on the role of interpersonal factors characterizing "violent couples". The family is the unit of analysis rather than the individual. This has become a popular theory in counselling. It is based on the notion that if the rewards of violence are greater than the costs, an abusive male will continue to use violence. This dysfunctional family approach sees male aggression as a *pattern of impaired parenting*. It looks at the "aggressive couple" and the ways in which poor communication skills contribute to the violence. Treatment is directed at couples and families by providing increased competency in relationship skills. Because both individuals are thought to contribute to the behaviour, this approach has been criticized for victim blaming and not addressing safety where victim and abuser are in therapy together.

4) Sociological Theories

There are many sociological theories that explain violence, criminality and family violence. Sociological definitions tend to emphasize the social causes and effects of family violence. Such definitions focus on the patterns of violence directed against an intimate partner. They consider general attitudes and norms in social groups. Family violence is thought to exist when society does not create strong prohibitions against it, or because there are functional reasons for its existence in a particular setting. Most sociological theories consider GENDER as a KEY variable, not because of inherent differences between the sexes, but because of structural factors that create differential access to economic and political power. There are numerous sociological theories on violence and crime. For example, **social control and social bonding theories** suggest that children who lack support, supervision, affection, and closeness with parents tend to turn to delinquency; **normative influence theories** suggest that individuals go along with the crowd to avoid rejection, to stay in people's grace and gain approval; **conservative religious theory** suggests that lack of traditional family autonomy and the breakdown of social values resulting in divorce, same-sex couples and abortion, results in violence and dysfunction. One particularly popular sociological theory is social learning theory.

*** Social Learning Theory***

This theory says that wife abuse or family violence is a learned behaviour. Gender roles are learned through rewards, punishments, direct instruction and modelling. Children observe and model the behaviours, attitudes, and emotional reactions of significant others. When inappropriate behaviours, such as family violence, are modelled, especially for young children, these patterns of interaction become entrenched. This leads to the intergenerational transmission of violence. As a result, there appears to be a greater risk that children exposed to family violence will become perpetrators of violence or victims of aggression. This learned behaviour, while typically occurring in the family, also extends beyond the family to include the subculture in which the family lives. It can also include exposure to television, or video games; however, some researchers have not found a direct link between watching violent TV and increased aggression (Freedman, 1984).

5) Feminist Theories

Feminist theories are based on the fundamental belief that our society is structured in patriarchy – in other words gender inequality. Violence against women is created and perpetuated by long entrenched power imbalances that are reflected by social attitudes and structural inequalities both in the home and society. Men have a privileged position through their domination of women and their control of social institutions including the economic system, the legal system, health and educational systems, and even the family. Women's voices and realities are silenced and filtered through the lens of male privilege.

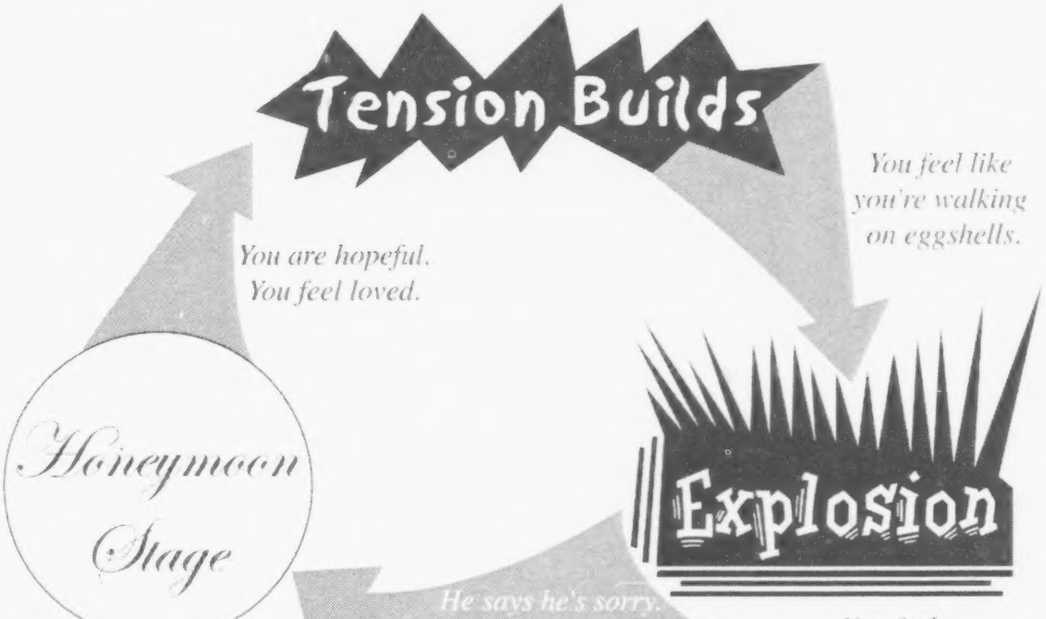
In relation to family violence, feminist theories challenged the notion that it stems from interpersonal or individualist traits. They do not accept that violence is a "couple problem". Feminist theories see family violence as a social problem that must be addressed by empowering women to understand why it is happening, to know they are not alone, to realize they are not responsible for the violence, and by changing social structures. It emphasizes holding men accountable and subjecting them to educational programs to realize that their violence is a pattern of coercive control. Feminist theories promote societal and structural changes in the power balance and are the most widely accepted explanation of family violence, and therefore most noticeable in definitions.

HANDOUT 1.4

CYCLE OF VIOLENCE

The Cycle of Violence Model: This **effect-based** approach identifies three phases of domestic violence – the tension building period where the woman starts to walk on egg shells and becomes fearful that she has done something wrong, the acute battering incident in which he becomes physically violent, and the loving contrition or absence of violence period (sometimes referred to as the honeymoon period), in which she forgives him and becomes hopeful that it will never happen again. (See Walker: 1993)

Some feminists reject the cycle theory because it may suggest that women contribute to their victimization because they participate in the process. They also reject the notion of learned helplessness, which is seen as the typical effect of women's inability to predict outcomes in their partner's behaviour.

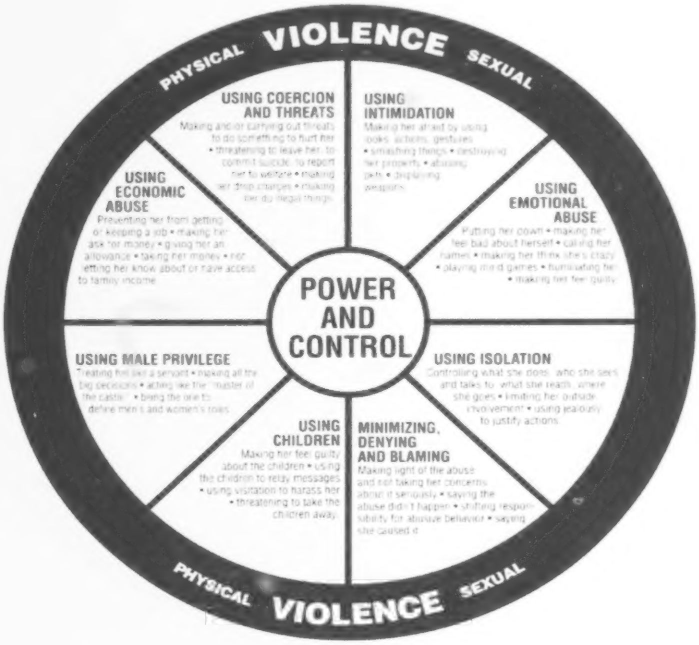

Tension Builds
You feel like you're walking on eggshells.
Explosion
You feel pain, despair.
He says he's sorry. He says he feels guilty. He minimizes what he's done.
Honeymoon Stage
You are hopeful. You feel loved.

Adapted with permission from Woman Abuse Protocols, The Government of New Brunswick, http://www.gnb.ca/0017/protection/WomanAbuse-e.pdf.

HANDOUT 1.5

POWER AND CONTROL WHEEL

This **behaviour-based** explanatory model has emerged as the most commonly used model for the treatment of men. The model places physical violence within the context of other forms of violence (emotional/psychological, sexual and economic). Male domination is placed at the centre of the wheel and the centre of any response to abusive and battering relationships. It includes eight pieces of the pie – intimidation, emotional abuse, isolation, minimizing, denying and blaming, using children, male privilege, economic abuse, and using coercion and threats. These behaviours represent the tactics used by abusers as methods of control, which in combination with violence, enable them to maintain power and control over their partners.


PHYSICAL VIOLENCE SEXUAL
USING COERCION AND THREATS
Making and/or carrying out threats to do something to hurt her • threatening to leave her, to commit suicide, to report her to welfare • making her drop charges • making her do illegal things.
USING INTIMIDATION
Making her afraid by using looks, actions, gestures • smashing things • destroying her property • abusing pets • displaying weapons.
USING ECONOMIC ABUSE
Preventing her from getting or keeping a job • making her ask for money • giving her an allowance • taking her money • not letting her know about or have access to family income.
USING EMOTIONAL ABUSE
Putting her down • making her feel bad about herself • calling her names • making her think she's crazy • playing mind games • humiliating her • making her feel guilty.
POWER AND CONTROL
USING MALE PRIVILEGE
Treating her like a servant • making all the big decisions • acting like the "master of the castle" • being the one to define men's and women's roles.
USING ISOLATION
Controlling what she does, who she sees and talks to, what she reads, where she goes • limiting her outside involvement • using jealousy to justify actions.
USING CHILDREN
Making her feel guilty about the children • using the children to relay messages • using visitation to harass her • threatening to take the children away.
MINIMIZING, DENYING AND BLAMING
Making light of the abuse and not taking her concerns about it seriously • saying the abuse didn't happen • shifting responsibility for abusive behavior • saying she caused it.
PHYSICAL VIOLENCE SEXUAL

DOMESTIC ABUSE INTERVENTION PROJECT
202 East Superior Street
Duluth, Minnesota 55802
218-722-2781
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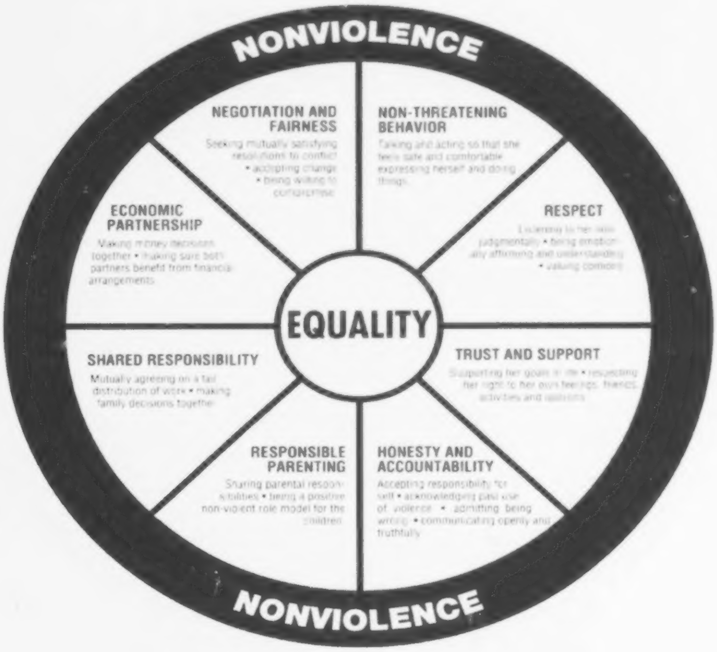
HANDOUT 1.6

EQUALITY WHEEL

The **Equality Wheel** places "***equality***" at the center of the wheel and depicts healthy relationships based on mutual respect and equality. Radiating from the center of the wheel are eight pieces of pie which represent elements of healthy relationships including - non-threatening behavior, respect, trust and support, honesty and accountability, responsible parenting, shared responsibility, economic partnership, and negotiation and fairness.


NONVIOLENCE
NEGOTIATION AND FAIRNESS
Seeking mutually satisfying resolutions to conflict • accepting change • being willing to compromise
NON-THREATENING BEHAVIOR
Talking and acting so that she feels safe and comfortable expressing herself and doing things.
ECONOMIC PARTNERSHIP
Making money decisions together • making sure both partners benefit from financial arrangements
RESPECT
Listening to her non-judgmentally • being emotionally affirming and understanding • valuing opinions
EQUALITY
SHARED RESPONSIBILITY
Mutually agreeing on a fair distribution of work • making family decisions together
TRUST AND SUPPORT
Supporting her goals in life • respecting her right to her own feelings, friends, activities and opinions
RESPONSIBLE PARENTING
Sharing parental responsibilities • being a positive non-violent role model for the children.
HONESTY AND ACCOUNTABILITY
Accepting responsibility for self • acknowledging past use of violence • admitting being wrong • communicating openly and truthfully
NONVIOLENCE

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HANDOUT 1.7

CONSEQUENCES OF FAMILY VIOLENCE

For Abused Women

When a woman is abused it affects every aspect of her life - her physical and mental well-being, her ability to work, her relationships with children, family members and friends, her self-esteem and her sense of self-worth. She may attempt to cope with the abuse through the use of drugs or alcohol and this creates additional problems. In extreme cases, women have even been killed by their partners.

Clearly, men in intimate relationships can be abused as well. When this happens, men may be more reluctant to seek help because of the stigma associated with not being able to control and dominant one's female partner. You can find reference materials about abuse of male partners in the Resource Section of your participant's handbook. This training focuses on women victims of abuse because of the volumes of documented evidence showing that the severity, prevalence and impact of all forms of abuse on women are much greater than on men.

Note: Although abuse can have devastating effects, many professionals fail to see or identify it. For that reason, it is important that professionals and service providers who work with women educate themselves about possible indicators of abuse, and routinely ask all women about their experiences of abuse.

For Children Exposed to Violence

The 1999 General Social Survey found that in approximately 37 percent (461,000) of spousal violence cases in the five-year period measured by the survey children heard or witnessed a parent being assaulted. Children were more likely to be exposed to violence against their mothers than against their fathers, and were most likely to witness or hear serious assaults on their mothers. Children who are exposed to violence against their mothers - even infants and very young children - may be seriously affected. Exposure to violence can have negative consequences on children's emotional development, and cause serious behaviour problems and difficulties in school. Boys may become angry and aggressive and girls may become withdrawn. The effects may be similar to those experienced by children who are being physically abused.

HANDOUT 1.7

CONSEQUENCES OF FAMILY VIOLENCE

For Abused Women

When a woman is abused it affects every aspect of her life - her physical and mental well-being, her ability to work, her relationships with children, family members and friends, her self-esteem and her sense of self-worth. She may attempt to cope with the abuse through the use of drugs or alcohol and this creates additional problems. In extreme cases, women have even been killed by their partners.

Clearly, men in intimate relationships can be abused as well. When this happens, men may be more reluctant to seek help because of the stigma associated with not being able to control and dominant one's female partner. You can find reference materials about abuse of male partners in the Resource Section of your participant's handbook. This training focuses on women victims of abuse because of the volumes of documented evidence showing that the severity, prevalence and impact of all forms of abuse on women are much greater than on men.

Note: Although abuse can have devastating effects, many professionals fail to see or identify it. For that reason, it is important that professionals and service providers who work with women educate themselves about possible indicators of abuse, and routinely ask all women about their experiences of abuse.

For Children Exposed to Violence

The 1999 General Social Survey found that in approximately 37 percent (461,000) of spousal violence cases in the five-year period measured by the survey children heard or witnessed a parent being assaulted. Children were more likely to be exposed to violence against their mothers than against their fathers, and were most likely to witness or hear serious assaults on their mothers. Children who are exposed to violence against their mothers - even infants and very young children - may be seriously affected. Exposure to violence can have negative consequences on children's emotional development, and cause serious behaviour problems and difficulties in school. Boys may become angry and aggressive and girls may become withdrawn. The effects may be similar to those experienced by children who are being physically abused.

For Abusers

Men who abuse their partners may experience anger, denial, emotional problems, rejection and isolation. Various factors compound the abuse since abusive men are more likely to have witnessed parental violence during childhood, be unemployed, use drugs or alcohol, be involved in the criminal justice system or other negative experiences. They may have sense of entitlement and believe that what they are doing is proper. However, abusers are responsible for their behaviour, and for the devastating effects it has on their partners and children.

For Society

Research has shown that, each year, woman abuse costs billions of dollars in Canada. The first-ever estimate of the costs associated with woman abuse (and some other forms of violence against women) came to at least $4.2 billion per year in social services, education, criminal justice, labour, employment, health and medical costs. Since woman abuse has wide-ranging consequences for women's health and for the health system, it is not surprising that the health-related costs of woman abuse have been estimated at more than $1.5 billion per year. This includes the costs of immediate medical and dental treatment, lost time at paid and unpaid work, long-term medical treatment, psychiatric hospital visits, use of transition homes and crisis centres, and other prevention and treatment programs.

HANDOUT 2.1

FACTORS THAT INCREASE RISK OF ABUSE AND FAMILY VIOLENCE

The following are risk factors that put people in greater danger of being abused. Risk factors do not "cause" family violence but they have been associated with an increased likelihood that abuse will occur. Researchers have associated many of these risk factors with multiple forms of abuse such as physical, sexual and emotional abuse.

- **Having a disability** - Women with disabilities are at increased risk for all forms of abuse when compared to non-disabled women.[i] Women with disabilities are up to 10 times more likely to experience abuse than are non-disabled women.[ii]

- **Being Young** - Young women (18-24) are at a higher risk of domestic homicide by their current or ex-husbands or common-law partners (Trainor, 2002).[iii] Women aged 25-34 years are at the greatest risk of being abused.[iv]

- **Being older** - The elderly, whether institutionalized or not, are at increased risk for emotional abuse, as compared to other forms of abuse (such as physical or sexual abuse). Emotional abuse toward the elderly may take either the form of omission (e.g., treating the person with little or no compassion; failing to carry out a care taking obligation) or commission (e.g., direct verbal aggression).[v] A recent study found that older women are more likely to experience psychological abuse by a partner than older men. Older victims report that the most common form of psychological violence experienced is being put down or called names, followed by attempts to limit contact with family and friends (Bunge & Locke, 2000).

- **Previous Exposure to Abuse** – Persons victimized in childhood and/or exposed to violence against a parent or caregiver are at greater risk of violence as adults.[vi]

- **Being Pregnant** – Being pregnant is a risk factor for being abused, particularly physical abuse (Trainor, 2002).[vii]

- **Living in Social and Physical Isolation.** - Psychological abuse can also occur in physically (e.g., rural, remote locations) and socially isolated communities. Where collective norms and patriarchal values are particularly strong, they serve to blame the victim and normalize the abuse. Victims may fear being condemned or shunned by friends, neighbours and their faith community if they try to leave the abuse.[viii] Physical remoteness may heighten the effect of psychological abuse and present difficulties in treatment for both victims and perpetrators because of the lack of privacy in dealing with the abuse (Bunge & Locke, 2000).

- **Being Aboriginal** - First Nations communities, which are often both socially and physically isolated, are particularly vulnerable.[ix] First Nations and Inuit women experience high rates of family violence.[x]

- **Experiencing Language and Cultural Barriers** - Although family violence rates among immigrants appear to be lower than Canadian-born women. However, immigrants can experience unique barriers seeking help with violent relationships. For instance, an immigrant woman may fear deportation because she is sponsored by her husband and financially dependent (Thobani, 2000). Although an immigrant woman can be released from the sponsorship agreement because of abuse, fear of the police, coupled with language, cultural and religious barriers may create difficulties for women who wish to disclose the abuse.[xi] These barriers can impede her ability to access jobs and social welfare programs, which could help her escape violence.

- **Having Multiple Relationship Risk Factors** - The Canadian Violence Against Women Survey found that women are more vulnerable to abuse if her partner is young (18-24), is unemployed (long term), has little formal education, is a heavy drinker, or was exposed to violence against his mother.

- **Living in Common-law Relationships** - Statistics Canada found that women in common-law relationships are at higher risk of abuse than women who are married.

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[i] M. A. Nosek et al., "Vulnerabilities for abuse among women with disabilities," *Sexuality and Disability*, 19 (2001): 177-189.

[ii] Bunge & Locke, 2000; Fitzgerald, 1999; Johnson & Au Coin, 2003; Trainor, 2002

[iii] Risk Factors Associated with Violence Against Women, in *Assessing Violence Against Women: A Statistical Profile*, paper prepared for Federal-Provincial-Territorial Ministers Responsible for the Status of Women, (Ottawa:2002) pp.25-29

[iv] Statistics Canada, Family Violence in Canada: A Statistical Profile 2001 (Canadian Centre for Justice Statistics, Ottawa: Statistics Canada, 2002) catalogue 85-224XIE: 34

[v] Mia Dauvergne, Violence Against Seniors, in *Canadian Social Trends*, (Statistics Canada: Spring 2003) catalogue number 11-008-XPE, no.68

[vi] Statistics Canada, Family Violence in Canada: A Statistical Profile 2001 (Canadian Centre for Justice Statistics, Ottawa: Statistics Canada, 2002) catalogue 85-224XIE: 34

[vii] Risk Factors Associated with Violence Against Women, in *Assessing Violence Against Women: A Statistical Profile*, paper prepared for Federal-Provincial-Territorial Ministers Responsible for the Status of Women, (Ottawa:2002) pp.25-29

[viii] J. Hornosty and D. Doherty, "Responding to Wife Abuse in Farm and Rural Communities: Searching for Solutions that Work, In *The Trajectories of Rural Life: New Perspectives on Rural Canada*, edited by R. Blake and A.Nurse (Canadian Plains Research Centre: University of Regina, 2003): 37-54

[ix] E. Zellerer "Restorative justice in indigenous communities: Critical issues in confronting violence against women," *International Review of Victimology*, 6, (1999): 345-358.

[x] Statistics Canada, Family Violence in Canada: A Statistical Profile 2001 (Canadian Centre for Justice Statistics, Statistics Canada, 2002) catalogue 85-224XIE: 29

[xi] H. Bannerji, *A Question of Silence: Reflections of Violence Against Women in Communities of Color* In *Scratching the Surface: Canadian Anti-racist Thought*, edited by E. Dua and A. Robertson (Toronto: Women's Press, 1999).

HANDOUT 2.2

BARRIERS TO LAW INFORMATION FACED BY ABUSED RURAL WOMEN

Law is a highly specialized field and the judicial system is a complex one, which can be daunting for anyone, even those for whom access to information is easy. Abused women often experience a complex mix of problems. They may need information about family law and about their role as the victim/witness in a criminal case against their spouse. Rural women can face unique barriers that can prevent them from finding out about their legal rights and responsibilities. Based on responses from a survey of transition houses, focus groups and several other consultations, PLEIS-NB found that abused women faced the following common obstacles to accessing law information or assistance. Some of them relate quite specifically to the fact that the abuse was experienced in a rural setting. They tend to fall roughly into two kinds of barriers: those that are tangible and practical, and those that are more psychological in nature.

- **Poverty** - Many victims of abuse are poor and it is not uncommon for an abusive spouse to have complete financial control. The victim may not even be able to make a long distance phone call. For those who have accessed the legal or social services system, lack of money remains a factor. Many rural women do not know about legal aid services and most cannot afford a lawyer.

- **Transportation** - Control of the purse strings often extends to controlling access to transportation. Access to public transportation is especially difficult in rural areas. Some areas, like Miramichi, reported that public transportation is seriously limited and that there is virtually no service in the outlying rural communities. In a situation of family violence, the decision to leave one's home must be made in an urgent manner that does not allow for working out the logistics of travel.

- **Low Education/Literacy Levels** - Of all New Brunswickers, 25% over the age of 16 fall into the category of lowest literacy skills.[1] A recent study reveals that the percentage of women over the age of 25 with a less than grade 9 level of education ranged from 12-13% in Woodstock, St Stephen, and Miramichi, to 18% in Sussex and 29% in Shediac.[2] Service providers in our study spoke of the added problems low literacy and numeracy skills place on women who are trying to leave an abusive relationship.

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[1] Statistics Canada, ***A New Brunswick Snapshot, International Adult Literacy Survey***, Catalogue #89-565-XEE, June 1998.

[2] Statistics Canada, 1996 Census.

- **Lack of familiarity with legal rights and with the legal system** - Many rural women do not know their legal rights, others may not realize that they have legal rights, and others are misinformed about their rights - often by partners. This was found to be common with regard to child custody and support. Often an abused woman who wants no further contact with her partner will willingly forfeit child support payments because she believes that paying child support grants the abuser automatic access to the children.

- **Stigma** - Victims of abuse typically suffer extremely low self esteem and are often reluctant to admit even to the appropriate authorities that they have been abused. Particularly in small communities where lives are more intertwined, in many cases service providers may know their clients socially. In fact, in a the survey of approximately 30 emergency room healthcare providers, PLEIS-NB found that without disclosure, the majority of healthcare providers would not offer information to a patient who presented with indicators of abuse for fear of humiliating her. Many of those who participated worked in rural hospitals and health centres.

- **Limited Resources for Service Providers** - The consensus among service providers who participated in this study was that although they are trying hard to meet clients' needs, including law information needs, they are ill-equipped to address most of them. Many of the service providers felt that parents in general, and rural parents in particular, must deal with a system that is fragmented, decentralized, under-funded and inefficient. Service providers pointed out that some of the existing print materials dealing with law information topics would be useful for them to share them with their clients. However, many who took part in the focus groups were not familiar with the PLEI publications which were provided during the de-briefing. Many service providers expressed frustration that they are often inadequately prepared to provide law information to their clients. The point was made that if they as intermediaries are not aware of or up-to-date with legal information, then their clients are further disadvantaged. All thought that the existing materials were good resources that would make them more comfortable in helping their clients. However, everyone agreed that other means of information delivery were necessary for rural people.

- **Long Waits to Get Help** - Service providers stressed that caseloads are heavy and waiting periods for services can be unrealistically long such as being screened into subsidized housing, the legal aid program and so on. In fact, in rural areas there is very little if anything available in terms of second stage housing. Transition houses are similarly limited in the long-term support they can offer. Delays in accessing the legal system, for example, to obtain an interim custody or support order, contribute to many women's decision to return to the abusive situation.

- **Cultural Values** - In every focus group, participants stressed the influence of traditional religious or family-oriented values as factors that compound the difficulty for women in obtaining information that would in help them leave an abusive situation. The unity of the family is paramount. Many women stay in abusive relationship for the sake of the children. They do not want to tear them away from a rural lifestyle, pets and friends. Women are often ostracized if they leave a marriage.

- **Farm Life** - For many farm families the stakes are especially high since divorce could mean the end of the family farm and livelihood. Particularly where farm animals are involved, rural women may refuse to seek shelter when they are assaulted because of threats to harm or neglect the animals (spring lambs, geese, pony, house pets, etc.) Rural women have suggested that they would be better positioned to leave abuse if there was some kind of shelter or assistance available to help their animals.

- **Fear** - Many women leaving a violent relationship in a rural area continue to fear for their personal safety. Many victims are reluctant to pursue any course of action that might aggravate their abusive partner. Women in rural areas may be isolated and police response times may be long. Moreover, in rural areas there is a much greater likelihood that there are firearms present in the household for hunting or vermin control. This increases a woman's fear and the risk of serious harm.

- **Trauma** - At times of personal crisis victims of abuse are traumatized and it is particularly difficult for them to absorb written information.

- **Frustration with System** - Some women complained of feeling re-victimized by both the social services and judicial system. It was suggested that many feel they have to act submissive to get anything at all from the services available.

Source: Hornosty, J., & Doherty, D. (2003). Responding to Wife Abuse in Farm and Rural Communities: Searching for Solutions that Work. In R. Blake & A. Nurse (Eds.), *The Trajectories of Rural Life: New Perspectives on Rural Canada.* Regina: Saskatchewan Institute of Public Policy.

HANDOUT 2.3

BARRIERS TO LAW INFORMATION FOR ADULTS WITH A DISABILITY

Dealing with the legal system in general, and accessing family violence law information in particular, can be a daunting prospect for anyone. People with disabilities often face a set of unique barriers to accessing such law information. Some of these barriers include:

- **Isolation** - Many people with disabilities experience restrictions in terms of mobility and independence. However, as a consequence of limited public transportation (especially in rural areas of New Brunswick), the problems of physical isolation tend to be compounded for a person with a disability. Inadequate care might also contribute to the *psychological* isolation of people with disabilities. Neglect can be as devastating as a physical beating. These forms of isolation, both physical and psychological, can serve to hinder the efforts of people with disabilities when they endeavour to access law information.

- **Dependence** - Many people with disabilities are not in a position to access family violence law information, let alone complain, because they remain dependent on the abusive caregiver. Such dependency may be amplified if the person suffering abuse resides in an institution such as a special care home. The victim may feel helpless because authorities rarely address institutionalized abuse. Unfortunately, many institutionalized individuals are afraid that their situation has real potential to deteriorate if they lose their current level of "security."

- **Lack of Service Provider Resources** - People with disabilities often must deal with service providers whose resources in terms of both training and finances are insufficient. A substantial proportion of disability advocacy-organizations are non-profit. Some do not have the finances to deliver programs or train service providers in preferred intervention and prevention strategies.

- **Ignorance** - Several participants suggested that many mainstream authorities (e.g., the police) and specialized helpers are ignorant of effective intervention means for people with disabilities who have disclosed abuse. There is often, moreover, general ignorance about the nature of disabilities (e.g. brain-injured people are mistaken for alcoholics, deaf people are assumed to be mentally challenged, etc..).

- **Perceptions of a "hostile" legal system** - Service providers participating in a focus group conducted by PLEIS-NB felt that, in general, knowledge of the legal system is low. It was suggested that people with disabilities, like the rest of the population, know little about the legal system until such knowledge becomes necessary. For some people, the problems of incomplete law information are compounded by the nature of their disability. For example, developmental or communication disabilities tend to preclude, if not a full understanding, an ability to ask questions about such information. For those people who can access the necessary information and have the capacity to understand it, there remains the problem of the legal system itself. People with disabilities fear that the legal system will further disadvantage them. For example, a mother with a disability may be told by her abusive spouse that if she leaves she will lose the children. Service providers cannot minimize the victim's fears. Unfortunately, due to lack of support services he may well be correct. In criminal matters, victims with disabilities often make poor witnesses and can be bullied on the stand. Some participants claimed that at times, police tended to treat the disabled person as if he or she is the offender. For example, certain disabilities may produce the appearance of intoxication. When a person with a disability does report abuse, the post-abuse-disclosure process is often excessively complex and inefficient. A person with a disability invariably needs an advocate to deal with the process. Clearly, the legal system (family and criminal) may disproportionately discourage many people with disabilities from seeking justice.

- **Low Literacy Levels** - 25% of New Brunswickers over the age of 16 fall into the category of lowest literacy skills.[1] According to service providers, very few of their clients would be able to read and understand the typical Public Legal Education and Information Service pamphlets.

- **Low self-esteem** - Like other members of our society, people with disabilities who have experienced abuse may suffer from low self-esteem. Participants suggested that this is a common occurrence among their clients. Low self-esteem may diminish a person's willingness to seek help or services, especially from people in authority positions such as professionals or government officials.

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[1] Statistics Canada, ***A New Brunswick Snapshot, International Adult Literacy Survey***, Catalogue #89-565-XEE, June 1998.

HANDOUT 2.4

BARRIERS TO LAW INFORMATION IN ABORIGINAL COMMUNITIES

There are many barriers which prevent Aboriginal people from recognizing abuse, knowing their rights and getting help. Although many of these barriers are similar to the barriers faced by any victim who lives in a small community, others are specific to First Nation's communities. The kinds of barriers identified by participants in focus groups conducted by PLEIS-NB include:

- **Lack of Services** - A lack of adequate infrastructures to support victims of family violence was discussed. Like other small communities, reserves may be isolated geographically and transportation to off-reserve services or emergency shelters is often difficult. Others are simply not aware that any services exist to help them.

- **Lack of Privacy and Confidentiality** - Because of the nature of small, closed communities, participants noted that there is often no sense of confidentiality. Participants also pointed out that it takes time to build a relationship with someone who has been abused. Often native women who live on a reserve will not want to share their personal matters with a service provider who is not familiar with their community. However, in many cases there is little trust or faith in the service providers on the reserve. This may be related to poor leadership or other problems within the Band council. Participants from one of the reserves pointed out that people have a strong sense of solidarity when faced with conflict from outside, but in dealing with internal problems, there is often a sense of mistrust.

- **Self-blame** - Self-blame is a common response to abuse. Often victims will look for excuses as to why something happened, placing the event in an immediate context so as to deny patterns. Often they see disclosure as causing more problems than it solves.

- **Loyalty** – Many victims retain a sense of loyalty to their abuser, since the life they know may be less frightening than the prospect of facing a court system with which they are unfamiliar. As well, leaving an abusive relationship might mean leaving family and friends on the Reserve. Remaining part of the Native community is often given greater significance in terms of outcomes than ending the abuse.

- **Low Education/Literacy Skills –** Drop out rates among aboriginal youth are higher than youth generally and many people grapple with the complexity of long, complicated pamphlets.

- **Culture and Language** - When two cultures interact, myths, misinterpretation and lack of understanding can cause many barriers. This can lead to insensitivity on the part of the "system." Language can also be barrier, particularly for elders. It was pointed out that there is no word for "guilty" in the Mi'kmaq language.

- **Avoidance of the White Justice System** - The consensus by service providers in this study is that Natives are dealing with a system designed by white men for white men. Often Native men are more familiar with the court system than native women perhaps because they have been victimized by it and have learned about it for their own self-preservation. In those cases where victims have attempted to pursue complaints through official channels, they have often confronted barriers to progress once a complaint or charge is laid. Court orders, for example, peace bonds, may not be properly enforced.

- **Not Knowing Rights** - Often women who are victims of abuse are unaware of their legal rights or, indeed, that they have any. This may be particularly so for non-aboriginal women married to natives. They may be told, for example, that because their children are status Indians, they cannot be taken from the Reserve if the woman leaves her husband. Since provincial marital property laws do not apply on Reserves, Native women's family law issues can be more complicated. Moreover, since different reserves have different methods of registering property, women must be able to find out about their rights when relationships break down.

HANDOUT 2.5

BARRIERS TO INFORMATION AND SERVICES IN SAME-SEX RELATIONSHIPS

There are many barriers that same sex couples may encounter in finding information concerning their rights and when accessing services and resources. Some of the barriers which have been identified include:

- Very little research has documented the impact of psychological abuse on victims in same-sex relationships. One study recently found that intimate terrorism occurs in lesbian relationships, and that the impact of such psychological abuse has a negative impact on the mental health of victims.[i]
- Research also suggests that individuals in same-sex relationships often feel that service providers are judging them based on lifestyle choice. This decreases the likelihood they will continue treatment.
- Lesbian victims have encountered service providers who assume the abuser is male.
- Since not all same-sex couples disclose their relationship, many fear being "outed" to family members or co-workers (Telesco, 2001): such a disclosure by a third party can have a devastating impact.
- Homophobic and stereotypical attitudes are still a common-place experience of many same-sex couples which may prevent them from seeking help either as an abuser or as a victim.
- Lesbian victims who have sought treatment for anger and control issues in their intimate relationship have found only treatment programs for men.
- Shelters, transition houses, police and other service providers may not be sensitive to abuse in same-sex relationships.
- Service providers may not be familiar with the current state of the law regarding the individual rights of lesbian and gay persons and/or the rights of same sex couples.

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[i] G.A. Telesco, "Sex role identity and relationship factors as correlates of abusive behavior in lesbian relationships," *Dissertation Abstracts International*, 62 (2001): 5-A. (University Microfilms No. 1945)

HANDOUT 2.6

INSTITUTIONAL ABUSE

Abuse is no longer considered a type of maltreatment that occurs only in the family home. It can also occur in a variety of institutional settings, and is often referred to as "systems abuse" or "institutional abuse".

While the abuse occurs at the hands of specific individuals in positions of trust, it is important to recognize that in many instances, the very institutions in which the abuser works are structured and organized to create power imbalances that enable the abuse to continue.

Many victims are targeted for abuse for broader reasons, such as their race, class or gender, are silenced. For example, the Aboriginal community suffered particular harm through residential schools, which were structured to deny First Nation's children the value and benefit of their families, culture, and language. As well, persons with special needs have been particularly vulnerable to abuse, including children with physical or developmental challenges and institutionalized seniors.

Here are some examples of settings in which institutional abuse may occur:

☐ **Care Givers**

One study has shown that as disabled women's dependency increases, such as requiring the help of a professional caregiver with personal daily living tasks, the more susceptible they became to both physical and emotional abuse. In some instance caregivers internalize societal beliefs and stereotypes that devalue and dehumanize those in their care, which leads them to deny their clients emotional responsiveness by treating them with little or no compassion. A person's well-being and security is threatened not only by the actions of others, but also by the lack of appropriate policies, practices and procedures within systems or institutions.

☐ **Schools**

Several studies describe psychological abuse of children in public schools. Some teachers commonly use psychological abuse in combination with other forms of discipline to exert control.[i] Students' experiences of such abuse can have a negative impact on their academic self-esteem and self-efficacy, and can lower their emotional and intellectual motivation with respect to the subjects being taught.[ii]

Research has shown that abuse in schools is not confined to the classroom but also occurs in school athletics programs.[iii] Some coaches insult and degrade their players in an attempt to motivate them to perform better. And there may not be many checks and balances in place to regulate the behaviours of coaches.[iv] As a result of the maltreatment, some students drop out or quit the sport. In addition, the coaches' psychological abuse can create a team climate in which players become abusive towards one another, the abusive coach, and players on opposing teams.[v]

❑ **Workplace**

Workplace violence can involve insults, threats, bullying, physical assaults, or sexually harassing behaviours in the place of employment.

Perpetrators of workplace violence may include other employees (such as superiors or colleagues), clients (e.g., patients, inmates, students and/or their parents) and business customers (delivery persons, etc.).[vi]

Psychological abuse in the workplace can one of the most difficult forms to identify and address. For example, when is a supervisor crossing the line from demanding excellence, to bullying workers? Systemic factors such as difficult working conditions (work overload), the work context (layoffs, lack of employer support, etc.), and the workplace organization (e.g., some workplaces encourage competition between employees),[vii] may reward abusive employees and silence those who are being victimized.

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[i] F. Briggs and R. M. F. Hawkins, *Child Protection: A Guide for Teachers and Child Care Professionals*, (St. Leonards, NSW: Allen and Unwin, 1996); S. N. Hart, R. B. Germain and M. R. Brassard, "The challenge: To better understand and combat psychological maltreatment of children and youth" In *Psychological Maltreatment of Children and Youth*, edited by M. R. Brassard, R. Germain and S. N. Hart (New York: Pergamon Press, 1987); B. E. Casajarian, "Teacher's psychological maltreatment and students' school-related functioning," *Dissertation Abstracts International*, 60, 12-A (2000). (University Microfilms No. 4314)

[ii] Casarjian, 2000.

[iii] L. H. Bowker, "The coaching abuse of teenage girls: A betrayal of innocence and trust" In *Masculinities and Violence*, edited by L. H. Bowker (Thousand Oaks, CA: Sage, 1998); B. Pascall and S. White, *Eliminating Violence in Hockey* (Vancouver, BC: Sport Ministry, 2000).

[iv] Bowker.

[v] Pascall and White.

[vi] Canadian Women's Health Network, *A Call to Action: Women's Health at Work and Violence in the* Workplace (Ottawa, 2003).

[vii] Joy Mighty and Lori E. Leach (eds.), *Cutting Deep: Workplace Stress and Family Violence in a Climate of Downsizing*, (Fredericton, NB: Muriel McQueen Fergusson Centre for Family Violence Research, 1997).

HANDOUT 4.1

OVERVIEW OF THE LEGAL SYSTEM

It is not uncommon for abused women, and even service providers who work with them, to be unfamiliar with the intricacies of the legal system, in particular, the distinction between criminal law and family law, and the implications of these distinctions.

Family law and criminal law are separate areas of law with distinct purposes, principles, procedures and, in some cases, specialized courts exist. When a woman decides to leave her abusive spouse or partner she will likely be involved with the criminal justice system and the family law courts. For example, she may need to resolve custody and access issues involving the children (family law) and need to consider applying for a peace bond (criminal law) against her former spouse or partner. She may need to contact the police to report an assault which may lead to charges being laid (criminal law). Failure to understand or be aware of the distinctions between the criminal and the family law systems can result in frustration with the legal system.

It is important, then, that service providers familiarize themselves with the legal system and its complexities at a basic level so as to better provide assistance to abused women.

This handout provides a brief overview of the legal system and is designed to facilitate a basic understanding of the following:

- What is law;
- Important Distinctions
    - Difference between common and civil law;
    - Difference between public and private law;
    - Standard of proof.
- Constitutional law;
- Sources of law; and
- New Brunswick's court system.

What is Law?

Law is a set of rules designed to facilitate the orderly conduct of society. Law has many objectives. Law:

- governs conduct, criminal and non-criminal, of individuals and organizations including government;
- gives effect to social policies such as social welfare and employment policies;
- protects minority rights; and
- is used as a mechanism for resolving disputes.

The above list is not exhaustive.

Important Distinctions

Civil vs. Common Law

> based on civil code

Canada operates under two systems of law - a civil law system in Quebec and a common law system in the rest of the country. For our purposes we will focus on the common law system of law.

Judges decide based on prev. cases/judge decisions

Public vs. Private Law

Law can be divided into two distinct categories: public and private law. **Public law** is rules governing relationships between individuals and the government. Public law matters affect society in general.

- **Criminal law** is an example of public law. Crimes are considered to be a crime against society as a whole and not just against an individual. Other examples of public law are **human rights law, tax law** and **administrative law**. When an action is commenced in a criminal law case, it is referred to as a **criminal case**.

Private law is rules governing relationships and interests between individuals.

- **Family law**, including **divorce** and **custody and access**, **wills and estate law**, **contract law**, and **property law** are examples of private law. When an action is commenced in a private law issue, it is referred to as a **civil case**.

personal injury

Standard of Proof

In a criminal trial the standard of proof is **beyond a reasonable doubt**. It is the responsibility of the Crown prosecutor to prove that the accused committed the offence beyond a reasonable doubt. This means that if at the end of the case there remains a reasonable doubt that the accused did not commit the prohibited act with the required fault or intention, the accused will be found not guilty.

The standard of proof in a civil trial is a **balance of probability**. The decision-maker must be satisfied that one party has the stronger evidence than the other. This standard of proof is lower than in a criminal case. or credibility

Constitutional Law

Canada operates under a federal system of government meaning that the power to make laws is divided between a national (federal) government and the provinces and territories. The **Constitution** is the **supreme law** of Canada and it defines the powers and limits of government regarding our political and legal systems. **Sections 91 and 92** of the Constitution provide authority for the federal and provincial governments to make laws. Section 91 lists the areas where the federal government has the power to make laws and section 92 lists the areas where the provinces can make laws. For example, the federal government has jurisdiction under section 91(26) to make laws regarding Marriage and Divorce. It also has the power, under section 91(27), to enact criminal laws (contained primarily in the ***Criminal Code***). Generally, the federal government has power to legislate over matters that are in the nation's interest.

The provincial governments, on the other hand, generally have authority to legislate in areas which are of a local or private nature such as the solemnization of marriage in the province (s.92(12)), and property and civil rights in the province(s.92(13)).

The ***Canadian Charter of Rights and Freedoms*** was entrenched as part of Canada's Constitution in 1982 and overrides any statute that is inconsistent with it. The ***Charter*** guarantees a set of rights and freedoms and limits the ability of the government to act contrary to those rights and freedoms. The ***Charter*** applies to both the federal and provincial governments. The ***Charter's*** protection of rights and freedoms includes:

- Fundamental Freedoms (such as freedom of religion);
- Democratic Rights (such as a citizen's right to vote);
- Mobility Rights (such as a citizen's right to enter and leave Canada);
- Legal Rights (such as the right to life, liberty and security of the person);
- Equality Rights (such as the right to equal protection and benefit of the law);
- Language Rights (setting out French and English as the official languages in Canada);
- Rights of Aboriginal Peoples (affirming the aboriginal and treaty rights of aboriginal peoples).

Sources of Law

Legal rules are derived principally from two main sources:

- Case law or Judge made law (also known as **common law**)

- Statutory law or laws made by Parliament and the provincial legislatures. Federal statutes are referred to as ***Statutes of Canada*** and they apply to the whole country. Remember, the federal government gets its authority to make federal laws from section 91 of the Constitution. Provincial statutes are referred to by province name, such as ***Statutes of New Brunswick***. Again, the provincial government gets its authority to make laws from section 92 of the Constitution.

  Examples of statutory law:

    - Criminal offences are primarily found in the ***Criminal Code of Canada***, but can be provided for in other federal statutes. Criminal activity is regarded as a crime against society. The laws contained in the ***Criminal Code*** apply in every province and territory.

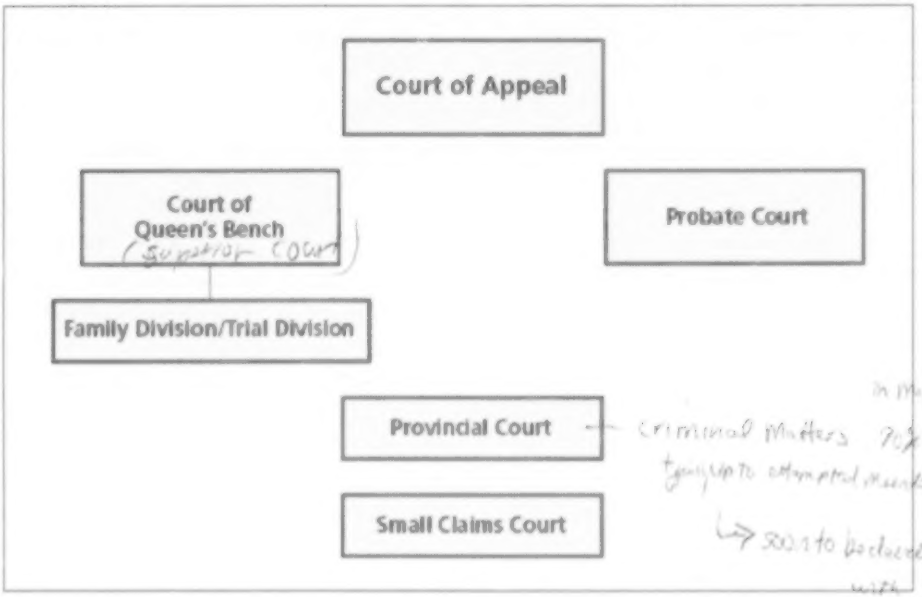
    - Laws concerning marriage, custody and access, child protection, divorce and property division are found in a variety of statutes, both federal and provincial, and in the case law. Two examples of statutes regarding these issues are the ***Divorce Act*** (federal legislation) and the ***Family Services Act*** (provincial legislation).

All laws, federal and provincial are subject to the ***Charter***.

To summarize, in the context of family violence, a number of legal issues may arise which may be addressed by a variety of different laws. The relevant laws could be federal or provincial and they could be public law or private law. For example, in a case involving an abused woman, who has a child and is seeking a divorce from her abusive partner, a variety of federal and/or provincial laws may come into play including the ***Divorce Act*** (federal), the ***Criminal Code*** (federal), and the ***Family Services Act*** (provincial). Similarly, in a case involving domestic abuse, child protection legislation (provincial) and the ***Criminal Code*** (federal) might also be the source of relevant laws which address the legal issues raised.

New Brunswick's Court System

The following diagram depicts the hierarchy of New Brunswick's courts.


Court of Appeal
Court of Queen's Bench
Probate Court
Family Division/Trial Division
Provincial Court
Small Claims Court

(superior court)

criminal matters 70% statistically
[illegible] up to attempted murder

in matters of violence against women

→ 2001 to be developed a court dealing with dom. violence offenders, family law @ prov. court level

New Brunswick courts are structured in a hierarchical manner. Jurisdiction to hear matters varies in each court.

- The **Court of Appeal** hears appeals in civil and criminal matters. It may also hear appeals from some tribunals and boards. The Court of Appeal is the highest court in New Brunswick.

- The **Court of Queen's Bench** is divided in two subsections - **Family Division and Trial Division**. The Court of Queen's Bench in New Brunswick is a superior court having inherent jurisdiction to hear cases.

    - Generally, **the Family Division** hears all family law matters including divorce, custody and access, child and spousal support. It also hears matters involving adoption, consent to medical treatment of minors and others.

  - The **Trial Division** hears civil matters, with the exception of the family law matters which are heard in the Family Division, and all major criminal matters. It also has jurisdiction to hear appeals on summary conviction matters which were heard in Provincial Court.

- The **Probate Court** hears matters involving wills, the granting of letters probate, letters of administration, and some administration of estates of deceased persons.

- **Provincial Court** is an entry point for criminal law matters and other offences under provincial and federal statutes. It has jurisdiction to hear most criminal matters. In situations where the Provincial Court does not have absolute jurisdiction, an accused may elect to have his or her offences heard in the Court of Queen's Bench, Trial Division.

- **Small Claims Court** is designed to hear civil matters where the damages claimed do not exceed $6,000.

The next two courts are not provincial courts.

  - The **Federal Court of Canada** hears most cases involving federal laws on issues such as income tax, immigration, and patents. While the ***Criminal Code*** is a federal statute, criminal cases are tried at provincial courts. The Federal Court has both a trial and appellate level.

  - The **Supreme Court of Canada** is located in Ottawa and is the final Court of Appeal in Canada. In most cases, authorization to appeal a case to the Court must be sought and appeals usually come from the court of last resort (e.g. New Brunswick Court of Appeal) in the province/territory. Its decisions have effect across the country.

HANDOUT 4.2

CRIMINAL CHARGES & WOMAN ABUSE

In addition to the horrendous crimes such as **murder**, **attempted murder**, **manslaughter** and **criminal negligence causing death or bodily harm**, family violence victims may experience offences such as:

> ***Assault:*** An assault happens when a person, without the consent of the other person, intentionally applies force, directly or indirectly, against that person. Threats to harm somebody may also be an assault when the victim believes on reasonable grounds the person can carry out the threat. The law does not distinguish between assault on spouses, common law partners or strangers. In addition to **simple assault**, a person can also be charge with ***assault with a weapon*** or ***causing bodily harm***, ***aggravated assault***, ***unlawfully causing bodily harm*** or ***sexual assault***.
>
> ***Sexual Assault:*** Sexual assault is an assault which is committed in circumstances of a sexual nature. Sexual contact without consent***, including by a spouse or partner,*** is a crime. This includes participation in sexual activity because of threats or fear of refusing. The ***Criminal Code*** also includes ***sexual assault with a weapon***, ***sexual assault involving threats to a third party, sexual assault causing bodily harm*** and ***aggravated sexual assault***.
>
> ***Criminal harassment***: This offence is sometimes called "stalking." It prohibits anyone from repeatedly following a person, repeatedly communicating, watching, or threatening the person or any family member in a way that causes the person reasonably, in all the circumstances, to fear for her/his safety or the safety of someone else.
>
> ***Uttering threats***: It is illegal to threaten someone in any way with death or bodily harm to any person; or with damage to or destruction of property, or to kill or injure an animal or bird that is the property of any person.
>
> ***Intimidation***: It is illegal to compel another person to do something or compel another person not to do something by using violence or threats of violence against her/him, their spouse or common law partner or children, damaging their property or persistently following the person around or watching their home or work.
>
> ***Failing to provide the necessaries of life***: Parents, foster parents, guardians or the head of a family are obligated to provide children, under the age of 16, with the necessaries of life. A person must also provide the necessaries of life to their spouse or common law partner or a person under their charge if that person is unable to provide her or himself with the necessaries of life and is unable to

withdraw from that charge because of illness, age or mental disorder. "Necessaries of life" include things like food and water but can also include medical treatment.

There is no such charge as "wife battering."

Please note: The above does not contain a complete list of all the offences available to address all aspects of domestic abuse.

HANDOUT 4.3

REASONS FOR RELUCTANCE

There is an array of reasons why an abused woman might be reluctant to involve the police in a domestic dispute. Her reluctance may stem from myths which are widespread in the community, such as the police will laugh at her and side with the abuser. Or her reluctance could flow from her belief that spousal assault is not against the law. It often takes great courage to involve the police and her requests for assistance need to be responded to promptly and seriously.

The following have been identified as some of the reasons why some abused women might be reluctant to involve the police:

- She may not know that spousal or partner abuse is against the law.
- She may feel that abuse is a private affair.
- She may feel that it's her fault.
- She may fear that the police will side with her abuser or not believe her.
- She may fear that the police will take her children away.
- She may only want the abuse to stop and fear that by calling the police her husband or partner will be put in jail.
- She may fear that if he goes to jail he will lose his job and not be able to financially support the family anymore
- She may fear that if he goes to jail they could lose the farm/business.
- If she has repeatedly called the police in the past, she may feel guilty for remaining in the abusive relationship and further feel that her present call will not be treated as a priority.
- Calling for help in a crisis can further aggravate the perpetrator, endangering both the woman and the police. Rural women, in particular, may fear that police response times due to their remote locations may put them and their children at even greater risks for harm.
- In rural areas, women may also worry that their neighbours will be listening on their "scanners" and will gossip about the situation.
- She may fear that the abuser will not allow the police in the house when they arrive and the abuse inside will only escalate.
- She may not have anyplace else to go and be unaware of any transition house or emergency shelter in her area.
- She may fear retaliation by her abuser.
- She may fear that he will kill her pets or farm animals.
- She may not want her partner to have a criminal record.
- She may fear that she will be deported.
- She may distrust the justice system based on previous experiences.
- She may fear retaliation by his family either in this country or abroad.

HANDOUT 5.1

EXPLORING FAMILY LAW MYTHS

Family law myths abound and can impact very negatively on an abused woman's decision making. It is important to become aware of some of the most common myths and know how to dispel them.

DE FACTO CUSTODY

MYTH: When a woman leaves an abusive situation, it is a good idea not to "set him off" by asking for custody or child support. Best to just leave.

FACT: While it is true that many abused women are willing to walk away without child support, a share of property or any formal agreement about parenting arrangements, this should only be a temporary solution.

- Service providers may be tempted to agree with a woman that she should not "rock the boat" but you are doing her a disservice if you do not tell her about possible legal consequences of that decision.
- Where an informal custody arrangement exists without a custody order either in writing or by the court, "de facto" custody exists. The consequences of not having a formal custody order is that it is harder to enforce, which may mean going to court, and leaves the woman open to future custody challenges.
- 85% of separating and divorcing couples in Canada come to agreements on matters such as parenting arrangements and support.
- Legal agreements should be put in writing and signed in the presence of a witness.
- Always seek independent legal advice (meaning each person should consult a different lawyer) before signing an agreement.
- If couples cannot agree on their custody arrangements, they should ask a court to decide.

DENIAL OF ACCESS

Myth: If she leaves because of spousal abuse, the courts will not give her partner custody or access to the children.

Fact: Generally, courts only consider spousal abuse relevant if it can be shown to impact on the parenting ability of the parent applying for custody or access. Courts have been slow to recognize research which shows the harmful effects to children exposed to family violence. As a result, courts are reluctant to deny a parent access because of spousal abuse. However, when spousal abuse is present, they may determine that "joint custody" is not appropriate.

- Section 129 of the ***Family Services Act*** provides for a presumption of joint custody. Joint custody means that both parents have equal rights to make decision concerning the children. This applies whether they are living common-law or are legally married.
- Parents can enter into a written agreement on the custody arrangements or they can apply to the court to do it.
- Both parents have the equal right to apply to the court for custody and/or access of the children.
- Children have the right to have contact with both parents, as long as it is in their best interest to do so.
- An abused woman would likely ask the court to award her sole custody rather than joint custody as joint custody presumes that the couple can jointly make important decisions for their children. In light of the power and control issues, it is unlikely that a court would award joint custody. However, the court does not always get to hear evidence of abuse where the lawyer decides it is in the interest of their client not to present it for fear of being viewed as inhibiting the other parent's contact with the children.
- Courts are reluctant to deny access. This may seem unfair where the father is telling the children horrible things about their mother or using them to continue to harass her. However, it is not her decision solely to make whether to deny access.
- Where there is concern about parenting ability or where there is a great deal of conflict, the courts may order supervised access, or the transfer of the children through a neutral third party.
- In abuse cases, children are often used as "bargaining chips" or as a means of maintaining control over the woman who is leaving the relationship. For example, abusive men have sometimes been known to repeatedly turn to the courts to change their access orders.

FLEEING WITHOUT THE CHILDREN

Myth: If a woman leaves the children behind when she flees a violent relationship, she will lose her right to ask for custody of the children.

Fact: A woman does not lose the right to apply for custody of the children because she left a violent relationship without taking the children.

- The law does not expect women to remain in abusive relationships.
- Remember, there is the presumption of joint custody and equal entitlement of both parents to apply to the court for custody. This right is not affected by her fleeing the violent relationship, even where she leaves the children behind.
- Abused women should be told that remaining in abusive relationships or leaving and then returning may put them at risk for having their children removed by the state. In New Brunswick, one of the grounds for the possible removal of children from their parents is the presence of family violence.
- Under the ***Family Services Act***, "**any person** who has information causing him to suspect that a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually ill-treated or otherwise abused shall inform the Minister of the situation without delay." It is an offence under the Act for a professional to fail to report. Professionals include, physician, nurse, dentist or other health or mental health professional, an administrator of a hospital facility, a school principal, school teachers, social worker, a child care worker, police or law enforcement officer, a psychologist, a guidance counsellor, etc. The only exception is lawyers.
- Thus, women who leave an abusive relationship may come into contact with child protection officials if they stay at a transition house, seek medical help, or turn to other professional services. The woman may be told that if she returns to the abusive environment, she risks losing her children.

PARENTAL ABDUCTION

Myth: The best way to ensure that your abusive partner will not be able to bother you when he sees the children is to take them and run away where he can't find you.

Fact: If he has an existing custody or access order, then running away with the children would be considered parental abduction. You need to see a family law lawyer and ask a court to change your current parenting arrangement. You can get a restraining order, or try some other legal remedy to prevent him from harassing you while exercising his access rights.

- Parental abduction of one's child under the age of 14, with intent to deprive the other parent of the possession of the child, is a crime under the ***Criminal Code***.
- The abduction provisions apply whether there is a custody order or only *de facto* custody.
- If an abused woman thinks her child has been abducted, she should contact the police and a lawyer immediately. If there is no custody or access order the parent must contact the Attorney General.
- Failing to return the child on Sunday night at the prescribed time does not necessarily constitute parental abduction. There has to be intent on the part of the abductor to deprive the other parent of the possession of the child.
- Parental abduction is a serious crime which, if convicted, will result in a criminal record, possible jail time, and, possibly, loss of custody and/or access.
- Abduction provisions apply equally where the abducting parent is the access or the custodial parent.
- Two possible defences to a parental abduction charge are:
    - The custodial parent consents.
    - Where a court determines that the abduction was necessary to protect the young person from danger of imminent harm and/or if the person charged with the offence was escaping from danger of imminent harm.
- It is **not** a defence that the child consented to going with the other parent.

International Abductions

- If a woman fears that her child will be taken out of the country she should apply for a custody order immediately. The court can take measures to prevent the other parent from taking the children, such as issuing an order requiring the non-custodial parent to surrender his passport or other travel documents.

- If she thinks the other parent might try to take the children out of the country before a custody hearing, she should call the Passport Office (External Affairs) and ask them to put the children's names on a passport control list so that they will not be issued a passport.
- If the child has already been removed from the country, there is legislation, both provincially and internationally, which can be used to secure the return of the child. She should contact the police, a lawyer, and the Attorney General and/or Minister of Justice **immediately** to assist her with the child's return. She should also contact the **Consular Affairs Bureau** in Ottawa (1-800-267-6788 or 1-800-387-3124).
- For more information, the following publication is an excellent resource - "International Child Abductions - A Manual for Parents" developed by Consular Affairs - Department of Foreign Affairs and International Trade. The document may be downloaded at the following link - www.voyage.gc.ca/main/pubs/child_abductions-en.asp .

Message: Although service providers should never suggest that a woman abduct her children, they should encourage her to try to take the children with her to safety if at all possible. Once in a safe place, such as a transition house, she can take action to obtain a custody order.

SUPPORT AND CUSTODY

Myth: Many people believe that if the access parent does not exercise his or her rights to see the children, s/he does not have to pay child support.

Fact: Child support is the entitlement of the child and is a separate legal issue from custody and access.

- The ***Family Services Act*** states that "**every parent** has an obligation, to the extent the parent is capable of doing so, to provide support… for his or her child."
- The obligation to financially support your children applies when the parents are legally married, when they live common-law, and even when they have not lived together at all.
- Child support is sometimes called maintenance.
- If the children live with one parent, the other parent will be ordered to pay child support. If the custodial parent has applied for social assistance, the Minister can make an application for support of the children. Child support payments are included as income when determining eligibility for social assistance.
- The **Child Support Guidelines** include tables which help parents, judges and lawyers determine the basic amount of the child support payments. The tables are specific to each province because of differences in provincial income tax. The amount of support is based on a percentage of the support paying parent's annual income and the number of children entitled to support. The formula protects a basic amount of income for the self-support of the parent paying support.
- The **Child Support Guidelines** apply to separating or unmarried parents applying for support under the ***Divorce Act*** and the ***Family Services Act***. They can also be used as a basis of negotiation for parents who are working out a support agreement on their own.
- The amount of support may differ from the table for a number of reasons, such when the parent without custody contributes to special expenses for the child such as child care, medical care, educational costs, post-secondary education or extracurricular activities. They might also differ where the payment would cause undue hardship.
- The domestic legal aid program will make an application to the court for anyone who requires it.
- In situations of family violence, the abuser may threaten to "take back custody of the children" if she asks for support. As a result, many abused women are reluctant to ask for child support. However, if a woman decides after a few years to get a divorce, she should know that a judge reviewing her petition must be assured that adequate arrangements for child support are in place. If the non-custodial parent is not making support payments and is able to do so, this could hold up the divorce.

- New Brunswick has a support enforcement system called the **Family Support Orders Service (FSOS)**. When the court orders support, it is automatically filed with FSOS unless notified otherwise within 7 days. Support agreements arranged between parents, and pre-existing agreements, can also be filed with FSOS. Under the program, support payors make support payments to the court. The court then sends the cheque to the person receiving support. When a payment is not made, the court immediately makes every effort to enforce the order.

GROUNDS FOR DIVORCE

Myth: If an abuser does not want his spouse to leave and divorce him, he can prevent her from getting a divorce.

Fact: You can get a divorce even if your spouse does not want you to leave. The most common way is to live separate and apart for one year. However, a judge may not permit the divorce until formal custody and child support orders are in place. If your partner is contesting the divorce, you will need legal advice.

- Sometimes an abusive partner will not agree to the divorce. He may feel that his wife is his forever and he can never let her go. However, it is important for an abused woman to know that she can get a divorce even if he does not want it. She should have legal representation if this is the case, or if she wants to use either of the two other grounds for divorce, namely, cruelty or adultery.
- Most divorces result from a one-year separation because it is easiest to prove separation in court. Although cruelty or adultery might seem like a quicker way to get a divorce, generally speaking it is not. Even though there is no waiting period, the complexities of proving the allegations in court can take even longer than a year and would require costly legal services. (For more information, see the Justice Canada publication, ***Divorce Law: Questions and Answers***.)
- Service providers should inform women that, while it may be less common today, they still might be entitled to support from their ex-partners. The ***Family Services Act*** provides that spouses and common-law partners have an equal obligation to support each other in accordance with need and to the extent he or she is capable of. They also have an obligation to provide support for himself or herself. The ***Divorce Act*** requires individuals to attempt to become financially self-sufficient as soon as possible
- When spousal support is ordered, the amount depends on need and ability to pay. Factors considered may include the former standard of living of the parties, how long they lived together, if child care responsibilities affected one spouse's earning capacity and so on.
- In early 2005, the **Spousal Support Guidelines** were introduced to assist judges, lawyers, and couples with support issues. Unlike the **Child Support Guidelines**, the Spousal Support Guidelines are not law.

WAITING FOR A DIVORCE

Myth: Married couples who separate have been told that after 7 years they are legally divorced.

Fact: You are not divorced until you go through legal divorce proceedings.

- Divorce is a legal process that officially ends the marriage. Some people believe that if they wait long enough, they will be divorced. Divorce does not happen until the couple goes through the legal process and neither person can remarry until they have been divorced.
- The ***Divorce Act*** provides a "no-fault" process for ending the marriage. This means that a couple does not have to show that one spouse was to blame. They just have to show that the marriage has broken down. (For more information, see PLEIS-NB's guide, **Doing Your Own Divorce in New Brunswick**). There are three ways to do this, but the most common is a one-year separation. Once the year has passed and the couple has "***lived separate and apart***", either one is entitled to apply for divorce.
- The couple may get back together for up to 90 days during the year of separation, without breaking the one-year separation. This is called reconciliation.
- In some cases, where couples have separated but cannot afford to move out, separate and apart, may commence when the couple stops conjugal relationships, for example, when she moves into the bedroom in the basement. This may not be a practical or safe option for an abused woman.

PROPERTY RIGHTS

Myth: If a woman walks away from an abusive relationship, she gives up all her right to the marital property.

Fact: The court does not expect a person to stay in an abusive relationship. A married woman can leave, for whatever reason, and this does not impact on the division of the marital property of a legally married couple. However, she should know that once she is divorced, she has only 60 days to ask the court for her share.

- Dividing property after the end of a relationship can be a difficult and complex process.
- The ***Marital Property Act*** governs the property division of legally married couples.
- Although the general rule is for equal sharing of property, the Court can order unequal sharing where the spouses have agreed in writing to share unequally or in certain other special circumstances. The ***Act*** defines "marital property."
- Married couples are also equally responsible for paying the marital debts.
- If an abused woman is concerned that her abusive husband will destroy the property once she leaves, she can apply to the court for an order restraining her husband from doing so. If he has already destroyed, sold or given away property, he may owe her half or all of the value of the goods sold, destroyed or given away.

COMMON-LAW RELATIONSHIPS

Myth: Couples living in a common-law relationship are legally married after three years.

Fact: No amount of time together changes a common-law relationship into a marriage. The common law relationship may be recognized by certain laws for other purposes such as income tax, insurance, pension or support. However, that does not mean that man and woman are married and have the same rights as married couples. At separation, common-law couples do not have all the same rights as married couples.

- Women leaving common-law relationships are often surprised to find out that they do not have the same rights as married women in regards to property.
- Some common-law couples have cohabitation agreements which set out the method for dividing property upon separation. Most couples, however, do not have cohabitation agreements.
- The absence of a cohabitation agreement does not necessarily mean that common law couples do not have to share the assets. In some cases, an application can be made to the court to divide the assets using the legal principles of "constructive trust" and "unjust enrichment."
- This area of property law is complex and a woman should consult a lawyer to discuss the possibility of dividing assets in this manner.

DISTINCTION BETWEEN CRIMINAL LAW AND FAMILY LAW

Myth: Many women who are involved in the criminal justice system as a victim of domestic violence believe that the judge will settle family law issues when she/he sentences her partner.

Fact: Although her partner may be convicted of a crime and the sentence may include provisions such as "no contact", this is not a substitute for a family law order for custody and access, or exclusive possession of the marital home. Her abuser could still apply to the court for access to the children. The court is very reluctant to deny children the right to visit the non-custodial parent.

- Criminal courts handled criminal law matters and not family law matters.
- Abused women should be told that a "no contact" order from criminal court is not a substitute for a custody/access order.
- Their abusers can still apply to the court for access to the children.
- They should also know that the court may be reluctant to deny children the right to visit the non-custodial parent.
- Traditionally, the courts have not made a connection between parenting abilities, parental violence and harm to children. This is beginning to change with the ground breaking research of Peter Jaffe at the London Family Court Clinic dealing with the effects of exposure to parental violence on children. (For more information see **Handout 5.2 "Children Witnessing Family Violence**.")

HANDOUT 5.2

CHILDREN WITNESSING FAMILY VIOLENCE

Research is beginning to reveal the severe emotional harm and negative outcomes that may affect children who witness parental abuse. Leading experts, such as Peter Jaffe and Tom Wolfe, researchers affiliated with the London Family Court Clinic, have documented the impact of family violence on children. In the past, courts generally did not consider that family violence had a negative effect on the children. Moreover, courts are very reluctant to deny access completely unless the father would be physically or emotionally harmful to the children. If the court feels that it is appropriate, it can order "supervised access". The non-custodial parent would have to see the children in the presence of a court-designated person such as social worker or a grandparent.

Myth: Children are not affected by parental violence, as along as they are not physically or emotionally abused themselves.

Fact: Exposure to parental violence is a form of child abuse. Children may the witness abuse or hear the fights and violence when parents believe they are asleep in bed. Research shows that children exposed to family violence are more likely to have serious negative outcomes such as health problems, disorders, delinquency, school drop out and repetition of the cycle of violence in their own adult relationships.

Currently, amendments to the ***Divorce Act*** are pending which would place more emphasis on family violence as a factor that may impact on a person's ability to parent, which could result in denial of custody or access, or possibly supervised access. If the abused woman believes that her partner will continue to harass her or be dangerous to her and her family, special arrangements for access can be made such as having the father pick up the child at safe location away from her home.

Sometimes abused women must escape the relationship when they have an opportunity. That might be when he is sleeping and the children are away at school. This may be her only opportunity to go to a transition house or someplace safe. However, many women are reluctant to do this for several reasons. Clearly, they do not want their children to feel abandoned or distressed. Moreover, they may have been told that if they "desert" their husband, they will lose custody of the children.

Although this is not true, courts always think of what is in the best interests of the children, and their stability is very important for children. Living in the home close to school and friends for some time can become the status quo. Nevertheless, both natural parents have equal right to apply for custody. If the abused woman does not take her children with her, she should know that the longer she waits to apply, the more likely it is that she will hurt her chances for gaining custody. If she delays, the court may not want to change the children's situation.

Statistically, applicants (the person applying for custody) are more successful in custody applications than respondents (the person who replies to the application). If a woman cannot take the children with her when she leaves, she should see a lawyer immediately about applying for custody. If she is going through the Domestic Legal Aid Program, she should be sure to tell if she thinks her partner is applying for custody, particularly if he has physical custody of the children.

HANDOUT 6.1

PERSONALIZED SAFETY PLANS FOR ABUSED WOMEN

WHAT IS A SAFETY PLAN? A safety plan represents possible strategies that can increase your safety and prepare you in advance for the possibility of further violence. A safety plan is needed whenever the potential for abuse is identified.

CREATING A SAFETY PLAN

It is important to know that although you do not have control over your (ex)partner's violence, it is possible that you may be able to increase your own as well as your children's safety when being subjected to this abuse. This safety plan offers different alternatives that you could consider. You are likely to know what is best for yourself and what actions are or are not appropriate in your own situation. Creating a safety plan involves mapping out action steps to increase your safety and prepare in advance for the possibility of further violence. In creating a safety plan, it is important to remember:

- That a safety plan is needed whenever the potential for abuse is identified.
- It can be helpful to be aware of the resources for abused women in your community.
- That this safety plan is specifically designed for actions that you can take. Another safety outline has been created to assist you in creating a safety plan specifically with your children.
- To become familiar with, and review and/or revise your safety plan regularly. Abusive situations and risk factors can change quickly.
- While considering long-term strategies, it is important to also have a short-term emergency plan.

SAFETY PLANS

Safety During a Violent Incident:

In order to increase safety during a violent incident, abused women may use a variety of strategies. Some strategies for you to consider are:

1. What is/are the possible escape route(s) from my home? What doors, windows, elevators, stairwells, or fire escapes could I use: __________
   ____

2. I will take the time to practice how to get out safely.

3. I can keep my purse/wallet and keys handy, and always keep them in the same place (________________________), so that I can locate them easily if I need to leave in a hurry. I can also have a second set of keys made in case my (ex)partner takes the first set.

4. If it is safe for me, I could tell the following people about the violence and request that they call the police if they suspect I am in danger
   ____
   ____.

5. Children's safety in woman abuse situations is central to a safety plan. I may be able to teach my children a safety plan specifically for them in these circumstances. LAWC has a specific safety planning outline for children.

6. It may be helpful to have a code word to use with my children or other family members if I should need them to call for help. My code word is____.

7. Safe places that I can go if I need to leave my home:
   1. A place to use the phone:____
   2. A place I could stay for a couple of hours:__________________________________
   3. A place that I could stay for a couple of days:______________________________

8. During an abusive incident it is best to try to avoid places in the house where I may be trapped or where weapons are readily available such as the bathroom or kitchen. Bigger rooms with more than one exit may be safer. The places I would try to avoid would be ______________________________________
   ____

9. The places I would try to move to are

10. In abusive situations, women sometimes say or do things that in an equal non-abusive relationship they would not. For some women this involves survival skills such as claiming to agree with abuser even when it's not true in order to increase safety. On other occasions, women may retaliate against the abuser with violence; however be aware that such actions could lead you to be charged with a criminal offence.

11. Calling the Police can increase safety. Woman abuse is a crime; it is against the law. If there are reasonable and probable grounds to assume an assault has occurred, the Police are mandated to lay a charge of assault.

12. Given my past experience, other protective actions that I have considered/employed are:

Safety Plan If You Are Preparing to Leave:

Some abused women leave the residence they share with the abusive partner. These are protective actions you may wish to consider if you are in this situation. Even if you are not planning to leave your partner, it is important to review a safety plan regarding leaving in case the violence escalates and you need to leave quickly.

1. It may not be safe to inform my partner that I am leaving.
2. Should I need to leave quickly, it would be helpful for me to leave some emergency cash, an extra set of house and car keys and extra clothes with ______________________________, and ____________________ ____.
3. I can keep copies of important documents such as immigration papers or birth certificates at ____.
4. I can open a savings account to increase my freedom to leave. I should make sure to alert the bank not to send any correspondence to my home address.
5. I can get legal advice from a lawyer who understands woman abuse. But, as with the bank, I should make certain the lawyer knows not to send any correspondence to my home address. (It is critical to consult with a family lawyer if you have children.)
6. The local Abused Women's Helpline (or nearest transition house) number is ____________ (listed in the front of the telephone book with other crisis numbers). I can seek safe shelter and support by calling this number.
7. I can keep change for phone calls on me at all times. I must be careful if I am using a telephone credit card because my (ex) partner could see the numbers I have called on next month's telephone bill. To keep telephone communications confidential, I can use a pay phone, a friend's phone, or a friend's calling card.
8. These are people that I could ask for assistance:
    - money: ______________________________
    - childcare: ______________________________
    - support attending appointments: ______________________________
    - transportation: ______________________________
    - other: ______________________________ ______________________________

9. If I need to return home to get personal belongings, I can call the police for an escort to stand by and keep the peace. To do this, I call 911 and ask the police to meet me somewhere close to my home. They will stay while I pick up my own and my children's personal belongings.

10. Other protective actions I have considered are:
    ____
    ____

11. When women leave abusive partners, it is important to take certain items with them. Items with asterisks on the following list are the most important, but if there is time, the other items might be taken, or stored outside the home. Keeping them all together in one location makes it much easier if a woman needs to leave in a hurry.
    - identification for myself
    - children's birth certificates
    - protection order papers/documents
    - my birth certificate
    - social insurance cards
    - immigration papers
    - school /vaccination records
    - jewellery
    - money
    - chequebook, bank book/cards
    - credit cards
    - keys - house/car/office
    - driver's license and registration
    - medications
    - passports
    - health cards
    - medical records
    - divorce/separation papers
    - lease/mortgage/insurance
    - address book pictures/photos
    - children's favourite toy/blankets
    - items of special sentimental value

12. Telephone Numbers I Need to Know:
For safety reasons it may be necessary to keep these telephone numbers hidden (but accessible!) and/or memorize the numbers:

- Police Department: ______________________
- Transition House ______________________
- Crisis Prevention Centre or Counselling______________
- Chimo Help Line (24 hours) **1-800-667-5005**
- Lawyer: ______________________
- Work: ______________________
- Minister/Rabbi/Priest/Elder: ______________________
- Other: ______________________

Safety In My Own Home

Following are some suggestions regarding safety measures in your own home that you may wish to consider. (Some of these safety measures cost money.)

1. If financially possible I could:

- change the locks on my doors and windows (you may need to inform the landlord if you are renting or your lawyer if you own your home before taking this action)
- install a peep hole in the door
- replace wooden doors with steel/metal doors
- install window bars, poles to wedge against doors, an electronic alarm system
- purchase rope ladders to be used for escape from second floor windows
- install smoke detectors and purchase fire extinguishers for each floor in my house/apartment
- install a motion sensitive lighting system outside that lights up when a person is coming close to my home
- leave the lights on

2. If I have custody and access issues, I can inform all the people who provide childcare for my children about who has permission to pick up my children and who does not. I can give these people copies of the custody and access order to keep with them and a picture of the abusive partner. The people I will inform about pick up permission include:

- school: ____
- daycare staff: ____
- babysitters: ____
- sunday school teacher:
  ____
- teacher: ____
- other: ____

3. I could inform ________________________ (neighbour),
___________________________(superintendent/landlord),
___________________________(friend)
___________________________ (other) that I am separated and ask that they call the police if they see my (ex)partner near my residence.

4. Other strategies that I am already using or that I might use:____________________
____

Safety With a Protection Order

Protection orders are legal restrictions on movement and actions that come in different forms: peace bonds, restraining orders, bail conditions, parole conditions, child custody access orders, etc. Many abusers do obey protection orders, but one can never be sure which violent partner will obey and which will violate protection orders. It is often necessary to ask the police and the courts to enforce a protection order. The following are some steps that I can take to help support the enforcement of my protection order.

1. It is important to know the specifics and limitations of my protection order. I will find out the conditions and what they mean for my safety.

2. I can call the police station to ensure that the protection order is registered on CPIC (the police computer system).

3. If my (ex)partner violates the protection order, I can call the police and report the violation. Depending on the type of protection order, I can also contact my (ex) partner's parole/probation officer, contact my lawyer and/or my advocate. (It is important to report to the police every violation of the order).

4. If the police do not help, I can call the Duty Sergeant immediately at the police station and express my concern. I can also contact my advocate, my (ex)partner's parole officer, or my lawyer, as well as filing a complaint with the police.

5. I will keep my protection order document(s) (originals, if possible)
   ____
   (location). It is beneficial to keep the document(s) on or near me. It may also be helpful to keep a copy in a second safe location also.

6. If my partner destroys my protection order, I can get another copy from the courthouse, my lawyer, or
   ____.

7. If it is safe to do so, I can inform my employer, my friend
   ____________________ and ____________________
   that I have a protection order in effect.

8. I can also file a private criminal complaint with the Provincial Court Judge in the jurisdiction where the violation occurred. I can charge the abuser with a violation of the protection order and all the crimes committed in violation of that order. I can call the Public Legal Education and Information Service of New Brunswick for more information regarding this action.

Safety on the Job and in Public

Each abused woman must decide if and/or when she will tell others that her partner has abused her and that she may be at continued risk. Friends, family and co-workers may be able to help protect women. Each woman should consider carefully which people to recruit to help secure her safety. I might do any or all of the following:

1. If it is comfortable to do so, I can inform my boss, the security supervisor and_______________ at work of my situation.

2. According to how comfortable and safe I feel, I can ask _________________________ to help screen my telephone calls at work. It could be of assistance to me if they document these calls.

3. If it is comfortable to do so, and I feel it would be supportive to me and my situation, I could discuss the possibility of having my employer call the police if I am in danger from my (ex)partner.

4. Some safety suggestions regarding arriving or leaving work:
    - let someone know when you'll be home
    - walk with someone to your car
    - scan the parking lot
    - if your partner is following you, drive to a place where there are people to support you, e.g. a friend's home, police station
    - if you are walking, take a route that is populated
    - take different routes home
    - if you see your partner on the street, try to get to a public place, e.g. store
    - you can also call attention to yourself and request help purchase a personal alarm device

5. I can use different grocery stores/shopping malls and shop at different times than I did before to reduce the risk of contact with my (ex)partner.

Safety and Drug or Alcohol Consumption

Many people in this culture consume alcohol. Many consume mood-altering drugs. Much of this consumption is legal and some is not. The disclosure of the use of illegal/legal drugs can put a woman at a disadvantage in legal actions with her abusive partner. Therefore, women should carefully consider the potential cost of the use of legal and/or illegal drugs. Beyond this, the use of any alcohol or other drugs can reduce a woman's awareness and ability to act quickly to protect herself from the abusive partner. Furthermore, the use of alcohol or other drugs by the abuser may be used as an excuse for violence.

Safety and My Emotional Health

Being subjected to abuse by partners is usually exhausting and emotionally draining. The process of surviving requires much courage and incredible energy.

To conserve my emotional energy and resources and to support myself in hard emotional times, I can do some of the following:

1. If I have left the relationship and I am experiencing loneliness or manipulative tactics from my abusive partner, I can take care of myself by ____________________

____.

2. When I have to communicate with my partner in person or by telephone, I can emotionally prepare by

____.

3. When I face potentially difficult times like court cases, meetings with lawyers and such, I can prepare by

____.

4. I can call ____________________________________,
____________________________________, and ____________________________________ as
other resources to support me.

5. I can find out about and attend workshops and support groups in the community by calling agencies such as the transition house, crisis prevention centre, family services, family resource centre or Chimo Help Line for information.

Source: Originally developed by The Domestic Abuse Intervention Project, Duluth, USA
Further adapted by The London Abused Women's Centre
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HANDOUT 6.2

PERSONALIZED SAFETY PLAN FOR CHILDREN WITNESSING WOMAN ABUSE

This handout was developed to support mothers in teaching their children some basic safety planning.

Safety Planning - What is a safety plan for children?

A safety plan is a simple, concrete strategy prepared with your children to help them deal with a dangerous situation and get to safety. This safety plan is based on the belief that the most important thing that children can do for their mothers and their families is get out of the way! They cannot stop the abuse, although they often try by distracting the abuser or directly interfering in the abusive episode. It is important to tell the child that the best and most important thing for them to do is keep themselves safe.

There are several strategies to help you develop a safety plan with your child(ren).

1. Have your child identify a safe room/place in the house, preferably with a lock on the door, and a phone. The first step of any plan is for the children to get out of the room where the abuse is occurring.

2. Stress the importance of being safe, and that it is not his/her responsibility to make sure that their mother is safe.

3. Teach the child how to call for help. It is important to ensure that the child know they should not use a phone that is in view of the abuser. This puts them at risk.

4. Teach them how to contact police at the emergency number.

5. Ensure that the child knows their address and full name (rural children need to know their Concession and Lot#).

6. Rehearse what they will say. In the case of young children it should be simple yet specific, i.e. "someone is hurting mommy".

7. It is important for children to leave the phone off the hook after they are done talking. The police will call the number back if the child hangs up. This could create a dangerous situation for yourself and the child.

8. Teach the child about safe places to go such as the Neighbourhood Block Parents and how to use them.

It is important to help children and youth in learning ways to protect themselves. Children who experience woman abuse can be profoundly affected. It is very traumatic for them to be faced with violence directed at them or at someone they love. Personal safety is extremely important and safety planning is always necessary for children whose families are experiencing violence.

Children's Safety Plan

This is your child's own personal safety plan.

REMEMBER

1. You are not to blame for the abuse.

2. You must not put yourself in danger.

3. Abuse is very dangerous, and it is against the law.

4. If you have a safe place, go there when the abuse is happening.

5. You are not responsible for your mother's safety, but you may be able to get help.

6. If you can get to a phone in your own house, a neighbour's house, or a pay phone, you can call for help.

Here's what to do when you call for HELP:

Dial: 9 1 1.

They will say: "POLICE, FIRE, AMBULANCE"

You answer: Police

Then say:

My name is ________________________________.

I am ______________ years old.

I need help. Send the police.

Someone is hurting my mom.

The address here is ___________________________.

The phone number here is ______________________.

It may not be safe for you to stay on the phone. If it is not safe tell the person that and then just put the phone down. **DO NOT HANG UP**. If you hang up, the police may call you back.

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HANDOUT 6.3

BE WEB SAFE

Your Internet Activities Can Be Discovered

It may not be safe for you to access sites for information about woman abuse from your computer. Your abuser could discover what sites you have visited. Internet browsers record a history of recently visited web sites for fast reloading on your next visit. Your safety could be jeopardized if your abuser were to check this history. There are some things you can do to hide your Internet use. It may be safer to access information on the Internet from a friend's house, your workplace, a library or Internet cafe.
To hide your Internet activities you need to clear the computer's memory of the most recent pages you have accessed on the Internet. This memory is the browser's cache. By emptying your computer's cache, your recently visited sites will be deleted. It is a good idea to access some sites on other subjects after you have cleared the cache so that it will have some items in it. For instance, check out the sites of newspapers, government, or entertainment.

If you use Internet Explorer:

Pull down the tools menu, select *Internet Options*. Choose the *General* tab, under *Temporary Internet Files*, click on "Delete Files". Under *History*, click on "Clear History" then click "OK".

If you use Netscape:

Pull down the *Edit* menu, select *Preferences*. Under *Navigator*, click on the "Clear History" button. Then double click on *Advanced*, select Cache. Click on "Clear Disk Cache".

If you use AOL:

Pull down *My AOL*, select *Preferences*. Click on the WWW icon under *Temporary Internet Files*, click on "Delete Files". Under *History*, click on "Clear History".
If you do not know which browser you are using, pull down the *Help* menu, and click on *About*.

KEEP SAFE

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HANDOUT 7.1

FEAR OF TRANSITION HOUSES

An abused woman needs reliable information about what to expect if she seeks shelter. She may know nothing about transition houses or emergency shelters. Or, she may have heard myths or rumours about shelters. Sometimes, fears about transition houses thrive simply because abused women don't know what to expect. Common myths include:

- everyone must sleep in barrack style dormitories;
- staff strip search you when you arrive;
- children are separated from their mothers;
- the residents can't come and go;
- women are locked up;
- the shelters are run by government;
- it's like going to jail;
- it costs money to stay there;
- the entire community will find out, and so on.

Whether a woman is exploring her options, or leaving in a crisis, she may need to find safe place to stay. The following information about transition houses, sometimes called shelters, may be reassuring:

- Transition houses are open 24 hours every day, seven days a week.
- An abused woman and her children can stay there free of charge for about one month.
- Shelter is temporary and she can go somewhere else that is safe when she wants.
- Staff at the transition house can help her through a time of crisis.
- If she has to leave in a hurry, shelters can provide her with free clothing, diapers and necessities until she can get some of her own things.
- Shelters have security and locked doors to protect her - not to make her a prisoner. She can come and go as she wishes.
- Shelters have information on social services, legal remedies, referrals and support services.
- Shelter staff are supportive. They are trained and experienced in helping women who are abused and maintain a strict code of confidentiality.
- Shelters will guard women's confidentiality.
- If the shelter is full, they can make arrangements for night accommodation at a local hotel.
- If the woman feels she would feel safer leaving the area, shelter staff can help to arrange a transfer to another shelter if necessary.
- Going to a shelter does not automatically result in charges being laid against her spouse.

- Staff at the transition house can provide counselling and give her information about legal options and social services.
- People can call the transition house and get advice, support and referrals over the phone including family and friends of victims.
- She can call for information even if she does not plan to go there – she does not need to give her name.

Here are the shelters in New Brunswick

Passage House
P.O. Box 1284
Bathurst, NB E2A 4J1
546-9540

L'Escale Madavic
P.O. Box 411
Stn. Main, Edmundston, NB E3V 3L1
739-2625

Maison Notre-Dame
P.O. Box 158
Campbellton, N.B E3N 1G4
753-4703

Women in Transition House Inc.
P.O. Box 1143
Fredericton, NB E3B 5C2
459-2300

Crossroads for Women Inc.
P.O. Box 1247
Moncton, NB E1C 8P9
853-0811

Miramichi Emergency Shelter for Women
P.O. Box 249
Miramichi, NB E1V 3M3
622-8865 (crisis)
662-8861 (office)

Hestia House
P.O. Box 7135, Station A
Saint John, NB E2L 4S5
634-7570 (hot line)
634-7571 (office)
632-5616 (outreach services)

Fundy Region Transition House
P.O. Box 73
St.Stephen, NB
E3L 2W9
466-4485

Serenity House
P.O. Box 511
Saint-Anne-de-Kent, NB
E4S 5G2
743-1530

Sussex Vale Transition House
P.O. Box 4862
Sussex, NB
E4E 5L9
432-6999 (hot line)
433-1649 (office)

L'Accueil Sainte- Famille Inc.
P.O. Box 3685, Main Office
Tracadie-Sheila, NB
E1X 1G5
395-1500

Sanctuary House
P.O. Box 4294
Woodstock, NB
E7M 6B7
325-9452
1-866-247-0286 (toll-free)

Gignoo Transition House Inc.
P.O. Box 3385, Station B
Fredericton, NB
E3A 5H2
458-1224
1-800-565-6878 (toll-free)

HANDOUT 8.1

BARRIERS TO ACCESSING INFORMATION

Research has shown that abused women living in rural areas tend to seek out those persons and service providers in their communities for information on family violence, legal issues and available services rather than accessing the resources in the larger centres. Having access to accurate and timely information may increase an abused woman's safety, assist in her decision-making, and in some cases may be lifesaving. These materials, then, need to be accessible in rural areas at appropriate places. Research[1] indicates that the following factors act as barriers to rural women accessing information on woman abuse, the law, and available services:

- Prevailing individual, community and societal attitudes and beliefs such as:
    - Abuse is a private matter - privacy of the family is sometimes valued over the safety of the individual members;
    - Patriarchal views that women are subservient to men;
    - Traditional family values – marriage is forever and women should preserve the family unit at all costs;
    - Societal values that support the use of violence to control persons in intimate relationships.
- Geographic remoteness of the community: transportation issues are a reality, particularly for those women living in more isolated regions of the province where the town or village centre is beyond walking distance and no public transportation system exists. Most phone calls to urban areas are likely to be long distance.
- Isolation: the geographic remoteness of the community may result in women being isolated from their family, friends and neighbours.
- Literacy levels -information should be provided in a plain language format that is easy to understand, but even then information that is only available in print form may create a barrier for some people.
- Privacy concerns - small and rural communities do not have the same level of anonymity that exists in larger centres. This lack of anonymity translates into real concerns about confidentiality.
- Lack of rural resource centres where people can access information.

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[1] Doherty, D & Hornosty, J., "Abuse in a Rural and Farm Context", in *Understanding Abuse: Partnering for Change*, edited by Stirling, M, Cameron, A, Nason-Clark, N, and Miedema, B. (ISBN 0-8020-8506-7) (Toronto: University of Toronto Press, 2004).

HANDOUT 8.2

SUGGESTED WAYS TO DISSEMINATE INFORMATION TO RURAL WOMEN

When exploring ways to share information to abused women, you must consider finding private and safe ways to do so. Her safety is paramount and cannot be compromised. Getting information into the hands of abused women in rural communities can be particularly challenging. Please see Handout 8.1 for information on some of the barriers rural women may face in accessing accurate legal and non-legal information. The following are some suggestions for ways to disseminate or distribute information concerning abuse and legal information to abused women.

1. **Involve the rural communities.** If you are preparing information for rural areas, be sure to consult with rural communities and listen to their concerns and suggestions. Working collaboratively with community leaders and local groups will likely lead to more effective responses. Also, community organizations may already have a developed client base and established opportunities for reaching abused women. You should also strive to build lasting relationships with communities by keeping them informed of the process and any new developments.

2. **Provide information sessions and structure your information sessions in ways that consider the uniqueness, both culturally and socially, of the particular communities.** For example, depending on literacy levels in the particular community, you may want to consider providing information in additional formats than just print. Some suggestions are: public information or awareness sessions, radio announcements or public television stations, videos, audio tapes, posters with graphics, etc. You should also time your information sessions to avoid conflicting with other important activities in the community.

3. **Advertise public information events as general information sessions**, not sessions on woman abuse, or some of the local people you want to attract will not attend.

4. **Provide free babysitting services and transportation** to allow for more people to attend community information sessions.

5. **Create a safe and accessible environment** at community information sessions and make them pot-luck to encourage attendance.

6. **Develop strategies for the direct dissemination of information to abused women.** You may want to consider disseminating information directly into the hands of abused women, in addition to the more general information strategies discussed above. Disseminating legal information and information on abuse to abused women directly requires the use of non-threatening methods. The safety of the woman is paramount and cannot be compromised. For example, it may not be safe for some

abused women to keep written information on abuse and the law in her home or on her person. The following are some suggestions for getting the information into the hands of abused women in a non-threatening manner.

- "Lipstick tubes" are available which contain information on abuse and some resources printed on slips of paper and rolled into lipstick tubes. (PLEIS-NB can provide free lipstick tubes)
- Post information on abuse (pamphlets, posters, etc.) in **private** and **safe** locations. For example, information that is available in a crowded waiting room may not be picked up. Some suggested places to post information are:

  - ☐ Doctor's offices
  - ☐ Dentist's offices
  - ☐ Drug Stores
  - ☐ Grocery Stores
  - ☐ Schools
  - ☐ Churches, synagogues, temples, etc.
  - ☐ Community Halls
  - ☐ Multi-cultural organizations
  - ☐ Transition houses or emergency shelters.
  - ☐ Restaurants
  - ☐ Women's bathrooms
  - ☐ Can you think of other places?

- Insert information in pamphlets disseminated by the schools.
- Provide information in hydro and telephone bills.
- Provide information in community newspapers.
- Provide information in more languages than French and English.
- Get someone to speak at your community information sessions who is knowledgeable in family violence and/or law and law related information – i.e. Victim Services, a lawyer, Court Social Workers.

HANDOUT 8.3

WHAT YOU CAN DO TO PREVENT AND RESPOND TO ABUSE

The best way to prevent and respond to abuse is by **collaborating with other people in your community.** Hundreds of community, volunteer and professional organizations—in communities all across Canada—are working together to prevent and respond to woman abuse. Find out who is involved in addressing woman abuse in your community, and learn about what is being done in your community and elsewhere. Become a volunteer, or make a contribution to support these efforts.

How Can You Support a Woman Who Has Been Abused?

Given the extent of woman abuse in Canada, there is a good chance that someone you know—either personally or professionally—is experiencing abuse, even if you don't suspect it. You should be prepared to deal with this issue and offer support in ways that will not further endanger a woman or her children.

A woman who is being abused may not feel safe telling anyone about what is happening to her. When you **learn to recognize the signs of abuse**, you can let her know that she is not alone, and that you are willing to listen to her and believe her. Although there is no single definitive indicator that a woman is being abused, you can learn about the physical, emotional or behavioural indicators. For example, she may have unexplained injuries or chronic health problems. She may show signs of fear, anxiety or depression. She may use substances to cope. Her partner's behaviour can also be a sign: her partner may prevent or limit her contact with others, or try to control her in other ways.

If you decide to raise the issue, make sure you **ask her about abuse in private**. Never ask her in front of anyone else, including her partner or children. All efforts must attempt to ensure her safety.

Keep in mind that your ability to provide support will depend on your own experiences, values and attitudes. **If you don't feel comfortable dealing with the issue of abuse, try to understand why.** You may need more knowledge about the issue and the services and supports available in your community, or you may need support for your own experiences of abuse.

For more information about abuse, contact the **National Clearinghouse on Family Violence** or consult the recommended resources (identified on the following pages). You can find out about the services and supports that are available in your community by looking in the front section of your local telephone directory, or by contacting the nearest women's shelter.

If you do not feel in a position to provide support, you should **be ready to refer a woman to someone else who can help her**.

If you are a service provider working in the community, health, social service, education or justice sphere, you should **familiarize yourself with the many tools that are available to you**. There are growing numbers of professional training programs, protocols and other resources that address screening, risk assessment, documentation, referrals, follow-up support, and other areas of professional responsibility.

Primary health care providers are particularly well positioned to prevent and respond to woman abuse. They play a critical role in an integrated, multi-disciplinary and intersectoral response to this issue. There is growing recognition of the health consequences of woman abuse, and, as a result, many initiatives are under way to inform health care providers about how to identify, screen, assess and support women who have been abused. Some examples of these initiatives include the development of protocols, guidelines, screening tools, risk assessment tools, education and training resources, and coordination mechanisms, among others. As efforts to strengthen the health care system result in new models of care, it is important that health care providers continue to be supported in their efforts to prevent and respond to woman abuse.

When a woman tells you she is being abused, you should let her know that you believe her, and make it clear that no one deserves to be abused.

Her immediate safety is the most important concern. **Ask her what she needs to be safe. If she feels she is in immediate danger, offer to call the police or the nearest women's shelter.** If she prefers, give her the shelter's telephone number so she can call (anonymously if she wishes to) for support.

A woman who is being abused has to make many, often extremely difficult, decisions. You can **help her explore her options** by providing information about services and supports, and helping her develop a safety plan for herself and her children.

As a professional, you should be prepared to **document the abuse or your concerns thoroughly**.

No matter what the woman decides to do—or not do—about the abuse, it is important to **continue to be supportive.** It is essential to recognize and respect the complexity of her situation. For most people, the process of change involves many stages, and may be difficult and lengthy. Knowing that someone believes in her strengths and is willing to help her can make an important difference in the long term.

Where to Get More Information About Woman Abuse
To obtain information and resource materials on woman abuse, contact:
The National Clearinghouse on Family Violence, Family Violence Prevention Unit (http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/bilingual.htm)

Family Violence and the Law

Train-the-Trainer Facilitator's Manual

Public Legal Education
and Information Service
of New Brunswick

Public Legal Education and Information Service of New Brunswick (PLEIS-NB) is a non-profit organization. Our mission to provide plain language law information to people in New Brunswick. PLEIS-NB receives funding and in-kind support from the Department of Justice Canada, the New Brunswick Law Foundation and the New Brunswick Department of Justice. Project funding for the development of this training manual and related materials was provided by the Justice Partnership and Innovation Fund-Family Violence Initiative and the Victims Fund, Justice Canada.

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1. *Introduction - What's the Training About?*

This training is about building the capacity of communities to respond to victims of woman abuse. It is being delivered in a "train-the-trainer" format. That means that once you have taken the training, you will have the tools to train others in your workplace, or your work sector. The training materials come with: two binders - a facilitator's binder and a participant's handbook; a booklet for service providers, *A Service Provider's Roadmap to Empowering Women - Helping Abused Women Help Themselves,* that delineates the Woman Abuse Protocols; and a booklet for individual abused women, *Ending Abuse in Your Relationship - A Woman's Roadmap to Empowerment.* The facilitator's binder includes a section that offers instructions to help you hone your facilitation skills. All of the training modules are included in the facilitator's binder, as well as the "canned" speaker/facilitator's presentation notes, the PowerPoint presentation and a resource section. The participant's handbook includes all the exercises and handouts. Where the instructions for the exercises are not straight forward, a facilitator's copy is included in the facilitator's binder providing further instructions. The entire contents of the binders are also provided on a CD-ROM.

The training is divided into a series of eight modules (See Section II: Overview of Training Modules). Depending on the characteristics of the sector or workplace to which you deliver training, you can easily tailor the modules by omitting those that are not necessary, and spending more time on modules that offer new information and resources for your audience. Ultimately, the training is intended to empower service providers and agencies to recognize and enhance the richness and potential of the service landscape in their region. The training will help you to identify the diverse, and sometimes unique barriers that different women confront, and to enhance, not only your individual response to abused women, but also the collective response of your region. By identifying your role in the service landscape, including how and when to make referrals and how to share information with women and other helpers in safe and effective ways, you increase the chances that an abused woman will find the support and assistance she needs to end the violence in her life.

2. Goals of the Training

The aim of this training is to assist service providers in New Brunswick, particularly those in rural areas who may not have easy access to information and resources, to deliver a quality response to woman abuse through a comprehensive knowledge and awareness of how law related issues can impact on all levels of the decision-making and perceived options of women struggling to deal with violence in their personal relationship. Often, the only information the woman has about her rights comes directly from the abuser. For example, her abusive partner may have told her that if she leaves she will have no rights to her children, the home and the marital property. As a result, she may be hesitant to get any kind of help, including calling the police for physical violence, or seeking medical attention. The goal of the training is to give service providers, and community helpers, particularly in rural areas, the tools and confidence to provide women with accurate and appropriate law information, with a specific focus on what women should know if they are leaving a violent relationship.

3. Who is the Training for?

The training is designed to reach service providers and community-based agencies and people who work with victims of intimate partner violence, particularly in rural areas. The participants might range from mental health, health care providers such as doctors, or public health and extramural programs, transition house staff, police, faith community leaders, and so on. The intent is that those participants who take the train-the-trainer workshops will use the training package to deliver training to others in their sector.

4. What Participants Can Expect to Learn

The training is based on the following learning objectives:

- You will learn about the prevalence of family violence, the theories and definitions of abuse, and the possible impacts of family violence on abused women and their children;
- You will learn about some of the unique and complex situations and barriers that relate to differences of gender, race, culture, sexual orientation and ability;
- You will learn about the new Woman Abuse Protocols and how they create a more consistent and holistic approach to dealing with abused women;
- You will learn about both family and criminal law issues that may be important to understand and share with abused women;
- You will learn about the complex issues surrounding personal safety of victims;
- You will learn how to develop polices and practices in your own agencies or lives that promote empathy, respect and the importance of suspending judgement while intervening in woman abuse cases;
- You will learn techniques for working with family violence networks in your region to help develop more effective, woman-centred responses for victims of family violence;
- You will be learn the value of pooling resources to collectively promote a unique approach, more positive outcomes, and finally, a process of sustainable community development to addressing both the safety, social, economic and law information needs of abused rural women.

5. Role of the Facilitator

The role of the facilitator is to deliver the training modules to others. The facilitator helps the group move through the training modules in the time set out on the agenda. The time lines are relatively short and there is a considerable amount of information to share. The facilitator must make decisions that move the training forward, such as leaving out a planned optional exercise to provide more time for discussion of issue of particular interest.

Preparation is essential for a successful training workshop. To get ready for a session, the facilitator should:

- carefully review the training manual prior to delivering a training session and feel thoroughly familiar with the content;
- select all or some of the modules that are suited to the audience or participants and modify the agenda accordingly;
- identify and invite any guest speakers to compliment the information in particular modules;
- decide if you will invite a co-facilitator to deliver the workshop with you;
- select optional exercises and make sufficient photocopies;
- make photocopies of handouts that you will be sharing with the participants;
- order the law information materials you need from Public Legal Education and Information Service of NB a few weeks before the training session **(see section 10: What you will need. . . equipment, handouts);**
- review your equipment needs (**see Section 10**) and be sure that you have everything you need and that it is in working order;
- choose the space for the workshop carefully, considering factors such as location, accessibility, safety, room layout and set-up, washroom facilities and acoustics. If you are offering refreshments and food you need to be mindful of any food restrictions.

In addition to delivering the training, the facilitator should:

- try to remember the participants' names and call people by their name. Name tags often help, so come prepared with name tags and pens and ask everyone to wear one - including the facilitator;
- encourage respectful interaction among participants;
- help people feel at ease;
- keep discussion focussed and moving forward;
- give everyone the chance to participate and speak.

6. *Tips on Facilitation*

This section provides some information on honing your facilitation skills including some tips for presenters, a quiz for examining your own biases, and suggestions for dealing with some typical challenges facilitators might face while facilitating.

TIPS FOR PRESENTERS

Developed by Brenda Defoe

- You and the group are here to explore family violence issues together. Be yourself. Your feeling comfortable and relaxed will help contribute to an informal, friendly atmosphere.

- Your role is that of a group facilitator, not an expert. **It is not up to you to come up with all the answers or solutions**. "*My role today is to act as a guide during this discussion on family violence.*"

- Adults bring to any learning situation a wide range of knowledge and experience. It is helpful to recognize and, if appropriate, acknowledge this. *"You've had a lot of experience with this issue, Jane..."*

- Family violence issues are not easy to talk about. Feelings of sadness or anger may surface during the presentation. Acknowledging those feelings can be helpful. Say something like the following, " *That must have been very upsetting for you, ...*"

- It's a good idea to follow the timing suggestions on the agenda. If the group is particularly interested in one topic, you may wish to ask for a group decision: should they proceed with the agenda or stay with the *topic under discussion? "We only have 10 minutes left and three more sections to cover. How would you like to proceed?"* Meeting again another day may be an option. Or you may decide not to complete the session but to give out the handouts.

- It's important to acknowledge **all** comments with a nod, smile or a brief *"Thanks"* whether or not the comments fit the agenda.

- Sometimes a group member may go off on a tangent, expressing strongly held beliefs they want to talk about. You may wish to say something like the following: "*I understand your concern about..., but today we are discussing....*"

- From time to time, it may be helpful to refer back to key points made earlier in the presentation. "*Remember when we talked earlier about the role of power and control in family violence?*"

- Some participants may experience strong emotions and want to talk to somebody privately. Have a back-up partner who can assist you. This allows you to continue with the presentation while your partner offers support and information about help available in your community.
- Thank the group for coming. *"Family violence is a tough subject to talk about. Concerned people like you can make a difference. Thanks For coming!"*

Source: Family Violence: Awareness Information for People in the Workplace, National Clearinghouse on Family Violence, Public Health Agency of Canada, (1994). Reproduced with the permission of the Minister of Public Works and Government Services Canada, 2005.

QUIZ

This section provides an exercise for you to examine your own personal biases. Once you have identified your biases you should strive to overcome them so they will not affect the learning ability of the participants. Ask yourself the following questions:

1. When you speak to people on the phone, does their accent determine how you respond?
2. Would you consider it an insult if someone thought you were homosexual?
3. Do you believe that people who cannot read have low intelligence?
4. Have you ever looked at a lesbian and automatically thought of her sexuality, rather than seeing her as a whole person?
5. If you see a person from a minority group in a position of power do you think that they probably got there through affirmative action?
6. Will it matter if your child dates someone of a different culture, from a different religion or of the same sex?
7. Do you believe people living on social assistance could get a job if they really wanted to?
8. What do you think when you see an overweight woman buying junk food at the grocery store?
9. Do you think that a facilitator needs to have a university education?
10. What do you do if you hear someone making a racist comment? Let it slide? Speak up against it? Hear some truth in their comments?
11. Have you ever thought you could "spot" a lesbian or wondered who the "man" was in a lesbian relationship?
12. Do you get frustrated when people do not speak your language?
13. Do you think that everyone should be forced to retire at sixty-five to give younger people an opportunity to work?
14. What do you see first – the disability or the person?

15. Do you get irritated when you see an able bodied young male begging for money?

16. Do you think it's a husband's right to control his wife?

Do you have any biases that you had not thought about before? How might the answers to these questions affect your facilitation skills? What will you do with these biases now that you are aware of them?

Source: The Empowerment Project, Fredericton Sexual Assault Crisis Centre. Developed by Mary Whiteside-Lantz and adapted with permission.

SUGGESTIONS FOR DEALING WITH TYPICAL CHALLENGES

Most study circles go smoothly because participants are there voluntarily and care about the conversation. But there are challenges in any group process. Here are some common challenging situations, along with some possible ways to deal with them.

Problem 1:

Certain participants don't say anything and seem shy.

Possible responses: Try to draw out quiet participants, but don't put them on the spot. Make eye contact — it reminds them that you'd like to hear from them. Look for nonverbal cues that indicate participants are ready to speak. Frequently, people will feel more comfortable in later sessions of a study circle program and will begin to participate. When someone comes forward with a brief comment after staying in the background for most of the study circle, you can encourage him or her by showing interest and asking for more information. And it's always helpful to talk with people informally before and after the session.

Problem 2:

An aggressive or talkative person dominates the discussion.

Possible responses: As a facilitator, it is your responsibility to handle domineering participants. Once it becomes clear what this person is doing, you must intervene and set limits. Start by limiting your eye contact with the speaker. Remind the group that everyone is invited to participate. Use the ground rules to reinforce the message. You might say, "Let's hear from some folks who haven't had a chance to speak yet." If necessary, you can speak to the person by name. "Charlie, we've heard from you; now let's hear what Barbara has to say." Be careful to manage your comments and tone of voice; you are trying to make a point without offending the speaker.

Problem 3:

Lack of focus, not moving forward, participants wander off the topic.

Possible responses: Responding to this takes judgment and intuition. It is the facilitator's role to help move the discussion along. But it is not always clear which way it is going. Keep an eye on the participants to see how engaged they are, and if you are in doubt, check it out with the group. "We're a little off the topic right now. Would you like to stay with this, or move on to the next question?" If a participant goes into a lengthy digression, you may have to say: "We are wandering off the subject, and I'd like to invite others to speak."

Problem 4:

Someone puts forth information that you know to be false. Or, participants get hung up in a dispute about facts, but no one present knows the answer.

Possible responses: Ask, "Has anyone heard of other information about this?" If no one offers a correction, you might raise one. Be careful not to present the information in a way that makes it sound like your opinion. If the point is not essential, put it aside and move on. If the point is central to the discussion, encourage members to look up the information and bring it to the next meeting. Remind the group that experts often disagree.

Problem 5:

Lack of interest, no excitement, no one wants to talk, only a few people participating.

Possible responses: This rarely happens in study circles, but it may occur if the facilitator talks too much or does not give participants enough time to respond to questions. People need time to think, reflect, and get ready to speak up. It may help to pose a question and go around the circle asking everyone to respond. Or, pair people up for a few minutes, and ask them to talk about a particular point. Then bring everyone together again. Occasionally, you might have a lack of excitement in the discussion because the group seems to be in agreement and isn't coming to grips with the

tensions inherent in the issue. In this case, the leader's job is to try to bring other views into the discussion, especially if no one in the group holds them. "Do you know people who hold other views? What would they say about our conversation?"

Problem 6:

Tension or open conflict in the group. Perhaps two participants lock horns and argue. Or, one participant gets angry and confronts another.

Possible responses: If there is tension, address it directly. Remind participants that airing different ideas is what a study circle is all about. Explain that, for a conflict to be productive, it must be focused on the issue. It is OK to challenge someone's ideas, but attacking the person is *not* acceptable. You must interrupt personal attacks, name-calling, or put-downs as soon as they occur. You will be better able to do so if you have established ground rules that disallow such behaviors and encourage tolerance for all views. Don't hesitate to appeal to the group for help; if group members have bought into the ground rules, they will support you. You might ask the group, "What seems to be the crux of this dispute?" This question shifts the focus from the people to their ideas. As a last resort, consider taking a break to change the energy in the room. You can take the opportunity to talk one-on-one with the participants in question.

Source: Facilitator's Notebook. Training Workshop: Woman Abuse Protocols, March 2004. Women's Issues Branch, Executive Council Office, Province of New Brunswick. Reproduced with permission.

7. Learning Theory

What I hear, I forget. What I see, I remember.
What I do, I understand. What I teach, I master.

When you think of a learning environment, what do you think of? Perhaps you think of one person droning on and on while you slowly slouch deeper into your seat ready to slip into sleep at any moment. This lecture-based way of learning tends to be the most used, but not the most effective.

Lecture based learning is not the most effective strategy because people learn differently. Some people learn best by watching others and then writing down what they see – these are visual learners. Other people, auditory learners, don't pay attention to what they see, but learn by listening and talking. And kinesthetic learners learn by doing an activity and being directly involved.

Auditory Learners

- Remember best what they hear and say out loud.
- Enjoy class discussion
- Are easily distracted by noise
- Need to talk through new learning

Visual Learners

- Remember best what they see
- Put information into visual forms (symbols)
- Often write things down or draw pictures to help them remember

Kinesthetic Learners

- Remember best what they do and experience
- Have difficulty sitting still for long periods
- Lose interest when not actively involved

There are also extroverted and introverted learners. Some people focus most on the external world, on other people and activities around them. These people are extroverts and learn through interacting with others. Other people focus most on their internal world, on their own thoughts and feelings. These people are introverts and learn through reflection.

Extroverted Learners

- Learn best by thinking out loud
- Are friendly and talkative
- Are aware of people and environment
- Often speak or act before thinking

Introverted Learners

- Learn best by thinking privately
- Need time to process ideas
- Like to think over tasks before starting them
- Are quiet and sometimes hard to get to know

70% of the population learns best by talking or engaging in interactive activities.

Although there are many types of learners, most people are extroverted, visual, and kinesthetic learners. Therefore, activity-based workshops that promote group interaction and discussion engage participants and encourage the most learning. To be most effective then, try to use group discussions, games, and role-playing activities when you plan your self-protection workshop agenda.

Source: The Empowerment Project, Fredericton Sexual Assault Crisis Centre. Developed by Mary Whiteside-Lantz, and reproduced with permission.

8. Sample Icebreakers

Icebreakers are a great way to begin your workshop. Icebreakers encourage the participants to get to know one another and to participate in the workshop from the beginning. You may want to use one of the two icebreakers exercises provided (Found Objects, Jelly Bean Fun) or create your own.

You should allow 10-20 minutes for icebreaker exercises.

FOUND OBJECTS

Objectives:
- To create community and trust
- To give participants an opportunity to share something about themselves.
- To practice listening, and non-judgment.

Materials:
- Small objects from your office or workplace (eraser, candle, paper, keys, string, etc …)

Time:
- 10 minutes

This is a simple and quick ice-breaker that is usually enjoyed by everyone:

1. Lay out the small objects on a table or chair.
2. Ask the participants to choose something they have with them or something that they can find in the room (one of the small objects). The object that is chosen should say something about them as a person.
3. Sit in a circle and ask the participants to explain how the object represents something or says something about them.
4. Mention the importance of listening without interruption and without judgment.

Source: The Empowerment Project, Fredericton Sexual Assault Crisis Centre. Developed by Mary Whiteside-Lantz, and reproduced with permission.

JELLY BEAN FUN

Goal: Get to know one another and encourage an atmosphere of dialogue and friendliness.

Setup: A bag of jellybeans is circulated and each participant must take the number of jelly beans he or she wants, but is not allowed to eat them. Each participant is then asked to share their opinions on the topics presented and must provide as many responses or pieces of information as the number of jelly beans chosen.

Time: 10 minutes

A limit may be placed on the information or facts even if a person has chosen 20 jellybeans. Topic samples:

1. What is your name? What department or agency do you represent?
2. Can you give an example of co-operation between participants of which you are aware, that benefited a woman who is a victim of abuse?
3. What would you like people to know about you?
4. Skills that make a person a good front-line worker;
5. Shortcomings of a front-line worker;
6. Prejudices against women who are victims of abuse;
7. In your opinion, what can a victim of abuse hope you can do for her?
8. Important resources to assist women in getting out of an abusive relationship.

A small gift will be given to the participant who took the most jellybeans or to the person who volunteered to start the icebreaker game.

Source: Facilitator's Notebook. Training Workshop: Woman Abuse Protocols, March 2004. Women's Issues Branch, Executive Council Office, Province of New Brunswick. Reproduced with permission.

9. Proposed Agenda

If you are using this training package to deliver a training session to others, you can use the agenda below, or mix and match the most appropriate modules for your audience. Adjust your agenda accordingly. You may decide to deliver two half-day sessions, or omit certain modules, such as the Roadmap to Empowerment session.

SAMPLE AGENDA
DAY ONE

8:30 a.m. Welcome and Introductions
8:45 a.m. Overview of the Agenda
9:00 a.m. Module One: Understanding Family Violence
9:45 a.m. Module Two: Recognizing Diversity and Unique Barriers

10:30 a.m. **Nutrition Break**

10:45 a.m. Module Three: Woman Abuse Protocols
11:30 a.m. Module Four: Criminal Law Issues and Family Violence

12:30 **Lunch (provided)**

1:30 p.m. Module Five: Family Law Issues and Family Violence
2:45 p.m. Module Six: Personal Safety Plans and Legal Remedies

3:15 p.m. **Nutrition Break**

3:30 p.m. Module Seven: Starting Over - Responding to Women's Lived Realities

4:30 p.m. **Adjournment**

AGENDA – DAY TWO

9:00 a.m. Reflection on Day One
9:30 a.m. Module Eight: Creating a RoadMap to Empowerment

10:30 a.m. **Nutrition Break**

12:00 p.m. **Adjournment**

10. *What You Will Need...Equipment, Handouts*

1 Data projector and computer with Power Point

2 Projection screen

3 Copies of all exercises you intend to do and handouts

4 Pens

5 Pads of paper

6 White sheets for the play

7 Microphone

8 Copy of "Divorce & Separation" video

9 Television and VCR, if viewing the video

10 Flip Chart and markers

11 Red dots

12 Masking tape

13 "Law Boxes" which you can order from Public Legal Education and Information Service of New Brunswick. These boxes are filled with information pamphlets on family law and family violence.

OVERVIEW OF MODULES

Module One: Understanding Family Violence

This module is intended to provide a solid understanding of family violence, why it occurs, the impact on people's lives, and the risks to children. Upon completion of this module, the participants will have demonstrated an understanding of family violence by:

- Defining family violence generally, and woman abuse in particular, as well as the terms associated with the subject;
- Defining forms of family violence;
- Explaining which forms of family violence are against the law;
- Describing family violence statistics;
- Describing the spectrum of violence;
- Describing the theories regarding men's use of domestic violence;
- Describing the impact of violence on females and the possible impacts on children who witness it.

Module Two: Recognizing Diversity and Unique Barriers

This module is intended to provide a solid understanding of the unique and complex situations that may arise due to differences of gender, race, culture, sexual orientation and ability. Upon completion of this unit, the participants will have demonstrated an understanding of issues of diversity by:

- Identifying unique characteristics of diverse situations that abused women may encounter when they seek help or turn to the justice system for remedies;
- Exploring ways to overcome barriers and to ensure that service delivery takes an inclusive approach that welcomes all victims and actively removes barriers to accessing information and services.

Module Three: Woman Abuse Protocols

This module is intended to give the service providers a firm understanding of the Woman Abuse Protocols, which are the foundation document that provides a comprehensive strategy to professionals in all relevant government departments in addressing family violence. Topics covered will include a review of development of the new Woman Abuse Protocols in 2004 and how the ways in which it promotes a "woman centred approach" and the development of regional "Roadmaps to Empowerment." Upon completion of this unit, the participants will have demonstrated an understanding of the Protocols by:

- Describing the history of the development of the Woman Abuse Protocols;
- Explaining what the Protocols are about and what they are intended to do, including understanding the empowerment approach philosophy;
- Examining how their own policy and procedures for working with abused women support the Protocols and lead to more effective responses for abused women.

Module Four: Criminal Law Issues and Family Violence

This module will explore what happens when criminal charges have been laid. This component looks at going to court, testifying, the role of victim services, making a victim impact statement and some of the special concerns that arise for abused women and their children involved in the criminal justice system. Upon completion of this unit, the participants will have demonstrated understanding of criminal law remedies by:

- Explaining the legal system;
- Explaining what kind of charges may be laid;
- Describing what an abused woman can expect when she calls the police to a domestic disturbance;
- Understanding the reasons for victim reluctance to participate in the criminal justice system and some of the ways that the system can alleviate that reluctance;
- Explaining pro-arrest and pro-charge policies;
- Explaining the support and services provided by Victim Services.

Module Five: Family Law Issues and Family Violence

This module is intended to explore the array of family law matters that may confront abused women who are leaving a violent relationship, especially when children are involved. It will include general information on child protection law and the concerns of abused women about losing their children. Upon completion of this unit, the participants will have demonstrated understanding of family law remedies and related issues by:

- Describing the family law issues that most parents need to resolve when they separate;
- Recognizing that control issues may continue to characterize family law matters such as conflict on parenting arrangements, payment of support, and division of property, and use of the courts and legal process as on-going mechanisms to maintain contact and control;
- Describing the services available to abused women such as domestic legal aid, FSOS, etc.

Module Six: Personal Safety Plans and Legal Remedies

This component will examine a range of options to help address personal safety including tips on making a safety plan, with a particular focus on issues of concern to rural abused women. Legal remedies for addressing harassing conduct will be explored such as: restraining orders, peace bonds, and other protective orders. Upon completion of this unit, the participants will have demonstrated understanding of personal safety and legal remedies by:

- Understanding the various legal remedies available to protect an abused woman, as well as their limitations;
- Understanding that personal safety is the paramount concern in any situation and that in helping abused woman the service providers' motto must be "to do no harm";
- Recognizing the elements of a person safety plan for abused women.

Module Seven: Starting Over - Responding to Women's Lived Realities

This module will explore other issues associated with leaving abuse including access to services for starting over such as housing, income assistance, training and employment and so on. Upon completion of this unit, the participants will have demonstrated understanding of the various aspects of starting over by:

- Understanding the complex journey that most women take to gain personal autonomy after leaving an abusive relationship;
- Recognizing the kinds of services and resources that can make a difference in supporting women as they struggle to become economically and emotionally self-sufficient;
- Describing the process of change that a woman who experiences violence may go through in seeking to improve her life and keep herself safe and the various interventions that correspond to this process;
- Knowing where to refer women for diverse service and assistance.

Module Eight: *Creating a Roadmap to Empowerment*

This component will involve a group brainstorming session, which identifies the service landscape of the region, explores gaps in services and resources, and develops a coordinated, community action plan to help abused women find the support they need. It will include a discussion on ways to share information, dispel myths, and help abused women access resources such as crisis services, counselling, legal aid, financial support, housing, employment, and legal representation. This session may involve working with local Regional Networks. Upon completion of this unit, the participants will have demonstrated an understanding of personal safety and other issues by:

- Working collaboratively to map the service landscape of their region;
- Recognizing where they and others fit into this landscape in order to develop more effective, woman-centred responses for victims of family violence;
- Understanding how they can pool resources to collectively promote more positive outcomes for women leaving abuse, while creating a

process of sustainable community development to address the safety, social, economic and law information needs of abused rural women;

- Creating a "roadmap" to empowering women seeking helping including an action plan for staying connected, making referrals, and sharing information with abused women about services and resources.

MODULE ONE

UNDERSTANDING FAMILY VIOLENCE

Presentation Notes

1. Learning Objectives
2. Definitions of Family Violence
3. Definitions and Forms of Abuse
4. Spectrum of Violence
5. Why it is Important to Understand Theories of Family Violence?
6. Some Major Theories of Male Violence towards Women
7. Frameworks for Recognizing Family Violence
8. How do these Theories and Approaches Impact on Legal Definitions?
9. Where do Two Popular Models Fit In?
10. The Consequences of Family Violence

Exercises (See Participant's Handbook)

1.1 Theories of Male Violence Towards Women

Handouts (See Participant's Handbook)

1.1 Victimization Data
1.2 Forms of Abuse
1.3 Theories of Male Violence Towards Women
1.4 Cycle of Violence
1.5 Power and Control Wheel
1.6 Equality Wheel
1.7 Consequences of Family Violence

Time: 45 minutes

1. Learning Objectives

Take a few minutes to introduce the module (Slide 1.1) and the learning objectives of this module (Slide 1.2).

This module is intended to provide a solid understanding of family violence, why it occurs, the impact on people's lives, and the risks to children. Upon completion of this module, the participants will have demonstrated their understanding of family violence by:

- Defining family violence generally, and woman abuse in particular, as well as the terms associated with the subject;
- Defining forms of family violence;
- Explaining which forms of family violence are against the law;
- Describing family violence statistics;
- Describing the spectrum of violence;
- Describing the theories regarding men's use of domestic violence;
- Describing the impact of violence on females and the possible impacts on children who witness it.

2. Definitions of Family Violence

Speaking Notes:

Family Violence is sometimes a difficult concept to discuss because it means so many different things to different audiences. Before we begin to discuss the theories behind certain definitions, let's look at some of the complications and issues related to terminology and definitions.

Generally speaking, **family violence** has been used as a term to define:

> ***any kind of maltreatment or abuse that occurs in a family context. Such family centred definitions involve children, spouses, parents or other family members as victims of abuse at the hands of a family member.***

Early definitions of family violence were closely **connect to a certain kind of victim**. As a result, they were usually discussed under specific categories such as:

- **child abuse,**
- **senior abuse,**
- **wife abuse.**

Even when we look at the different victims of violence within the family separately, research suggests that there is considerable overlap. For example, in households in which there is violence against children, there tends to be a significant amount of violence against adult women. Some researchers feel that senior abuse is an extension of family violence since the majority of perpetrators are adult children or spouses.

Domestic violence is another term that is often used, particularly by the police. The term domestic violence usually refers to various forms of **interpersonal violence** or **abuse in adult relationships**. For example, in the 1980's some common terms used were:

- **wife abuse,**
- **wife battering,**
- **wife beating, or**
- **spousal abuse.**

Because these terms tended to suggest that family violence happened only to legally married spouses, over time, the definition was broadened. Research began to show that abuse was taking place in **intimate relationships** that involved:

- **common-law couples,**
- **dating couples,**
- **same-sex couples.**

The terminology began to shift in the 1990's and you may now find in the literature and in research studies such terms as:

- **partner abuse,**
- **intimate partner abuse,**
- **dating violence or date rape,**
- **same sex violence,**
- **intra familial violence,**
- **mixed-gender violence, and so on .**

Since the majority of victims of domestic violence are women, many **feminists** refer to domestic violence as:

- **"violence against women in relationships" (VAWR)**

Note to Facilitator: Ask the participants to review with you Handout 1.1 - Victimization Data.

3. Definitions and Forms of Abuse

Speaking Notes:

Even though there are many different definitions of abuse, they typically recognize several different forms of violence. We have moved beyond the understanding of physical abuse as the only form of family violence, to an understanding that there are many other kinds of abuse, including psychological, sexual, financial and spiritual. Let's briefly review these forms:

Note to Facilitator: Ask Participants to review with you Handout 1.2 – Forms of Abuse

- **Physical Abuse** includes hitting, pinching, slapping, pushing, punching, kicking, burning, stabbing or shooting. It may also include threats to cause harm.
- **Psychological Abuse** (may be called emotional or verbal abuse) includes put-downs, name-calling, jealousy, isolation from family and friends, and threats to leave the relationship or to commit suicide if the victim does not co-operate.
- **Sexual Abuse** includes unwanted touching or sexual activity. It may include control over birth control, forced pregnancies or abortions and transmission of STDs.
- **Financial Abuse** occurs when an individual uses finances to control another individual. This could include forcing a person to hand over all or part of their salary or by denying someone access to their own finances.
- **Spiritual Abuse** occurs when an individual uses religious or spiritual matters to control someone, such as forcing a partner to follow a particular faith or give up their religion.

- Some definitions also recognize **NEGLECT** as a form of abuse. Neglect occurs when someone ignores the other persons' basic needs, such as eyeglasses, dentures, or clothing, and withholds emotional support and love as a form of control.

4. *Spectrum of Violence*

Speaking Notes:

As service providers or people who victims turn to for help, you must be very careful about creating a **hierarchy of family violence**. Many people put abusive and threatening behaviours on a continuum with emotional abuse at one end and physical abuse at the other end. This suggests movement from less serious to more serious. However, family violence researcher now suggests that we cannot assume that one form of abuse is necessarily more injurious or harmful than another. We must treat all abuse seriously.

Clearly, physical harm can and does turn deadly for some women, however, years of emotional abuse can result in devastating emotional and health effects on a victim. Some victims will turn to self-harming behaviours and addictions to escape the abuse. The outcomes for women who emotionally abused can be deadly, though this may occur in less obvious ways compared to physical abuse.

5. *Why is it Important to Understand Theories of Family Violence?*

Speaking Notes:

There are many theories or explanations for family violence.

Discussion Question - Why do you think it is important for us to recognize the underlying theories and approaches to family violence?

(Here are some answers, tick them off as participants suggest them. Share any that they do not cover.)

- ☐ Because the definitions and interpretations of family violence that are used by various organizations adhere closely to their theoretic underpinnings.

- ☐ Abused women seek help across sectors and this means that they cross definitional boundaries. Service providers in one sector may offer programs based on a particular theory of family violence, while service providers in another sector are constrained by program delivery based on another theory and approach.

- ☐ An abused woman may be treated as a victim of abuse at the transition house, but not by the police. She may be eligible for services from one program for abused women, and not under another program. This may make her feel that she is not really a victim of family violence. Recognizing how the different theories and approaches inform the policies, practices and programs for abused women, can help us to understand the criteria and hopefully, bridge the gaps that women experience among these services.

- ☐ Theories of violence influence our beliefs and public opinion. They influence social policy, programs and services. They even form the basis of our legal responses to family violence.

- They provide explanatory models for prevention, prediction and treatment. Depending on the level of analysis, researchers focus attention on variables that range from hormones and genes, to physical or personal characteristics, to attitudes, economic circumstances and laws.

6. Some Major Theories of Male Violence Towards Women

Note to Facilitator: Ask the participants to turn to Exercise 1.1 - Theories of Male Violence Towards Women in their binders.

After conducting the exercise, review the correct answers with the participants. Be sure to explain that Handout 1.3 provides a brief overview of the theories.

Ask participants whether they feel strongly about any particular theories. For example, you might ask

- **Which theories do you think is most popular with the general public?**
- **How many times have you heard "Violence begets violence" or "He treats her like that because he just doesn't know any better."?**
- **Do you belief that modelling a parent's behaviour explains all violence in personal relationships?**

There may be differences of opinion about which is the "best" theory.

Speaking Notes:

Perhaps there is some grain of truth in all of these theories. No one theory can fully and adequately account for all manifestations of family violence. Even the most dominant theories, social learning and feminist theories, do not account for all abuse. However, it is important to know that there are different theories and that they truly colour our definitions, program delivery and even personal beliefs.

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7. Frameworks for Recognizing Family Violence

Speaking Notes:

Now that we have talked about theories and definitions, it's important to understand how people actually recognize that family violence is occurring. We can classify family violence definitions into two common frameworks - **behavioural** and **effects** based approaches.

Both approaches depend on the identification of ***harmful behaviours*** or ***harmful effects***.[1] Each approach has a particular focus and is used by different kinds of agencies, policymakers and program developers. Some service providers may use a combination of these approaches in their work with victims or perpetrators.

Note to Facilitator: Ask the participants to keep in mind how their definitions and approaches to family violence, or the agencies they deal with, might influence the response to family violence.

Behavioural Approaches

One of the most common approaches for recognizing family violence is through behavioural approaches which **focus on the nature of the abusive behaviours - hitting, slapping, name calling, etc.**

Such approaches rely on our ability to recognize and understand the tactics of abusers. We must be able to pinpoint inappropriate behaviours. We must look for common warning signs - "red flags" - so that we can take steps to prevent and stop violence.

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[1] Note: Both approaches have been criticized for promoting stereotypical views that medicalize the problems of the victims and pathologize the perpetrators as mentally ill.

In behavioural definitions we must ask the question:

What makes the behaviour abusive?

Commonly abusive behaviour is determined by the ***harm done***. This is not as easy as it seems, since our understanding of what is harmful has changed a lot over time. At one time, if a woman did not have black eyes and broken bones, then there was no evidence of family violence...no harm done. Researchers, front line service providers and shelter workers have challenged this limited understanding of harm.

Agencies that focus more closely on the behaviour of the abuser, rather than the effects on the victim will have different perceptions and perhaps definitions of what is family violence.

For example, the police, generally, look at the behaviour of the accused to determine if a crime has been committed. The effects of emotional abuse may be harmful to the victim, yet are criminal law system does not consider name-calling and put downs to be a crime.

Note to Facilitator: Ask the participants the following:

- **If an abused woman turned to police because of emotional abuse, what kind of response might she get?**
- **If a woman's family and friends believe that abuse is a "couple problem", how would they react if a woman complained that he was taunting her with names like "stupid" and "useless"?**
- **Which service providers would tell women that degrading comments are a form of family violence?**
- **Why might it be confusing for women to encounter these different definitions and responses?**

Abused women will discover that emotional abuse is treated very seriously by some people - counsellors and crisis workers who are concerned about its negative effects on her - but may not be dealt with by the police.

This may be confusing. If emotional abuse is so harmful and counsellors recognize its impact, then why not the police?

Clearly the legal definitions of abuse do not always match our comprehensive definitions of family violence. It is important for service providers themselves to recognize these differences.

Message: As professionals, service providers and even friends, our message to women should be that all forms of abuse are wrong.

Note to Facilitator: If time permits, use the following other example of how a "behavioural" approach creates limitations.

Example: Statistics Canada measured the prevalence of "emotional abuse" for the 1999 and 2004 General Social Survey (GSS) by adopting a behaviour-based definition. The GSS (Family Violence in Canada: A Statistical Profile, 2000:17) reported that 8% of women, and 7% of men experienced violence from an intimate partner over the past year. Many people used this data to suggest that women are equally as violent as men. After all, they both experienced similar levels of violence.

The participants were asked to identify whether they experienced emotionally abusive behaviours. They were asked whether:

He/She tried to limit your contact with family or friends;
He/She put you down or called you names to make you feel bad;
He/She was jealous and didn't want you to talk to other men/women;
He/She harmed, or threatened to harm, someone close to you;
He/She demanded to know whom you were with and where you were at all times; He/she damaged or destroyed your possessions or property;
He/She prevented you from knowing about or having access to the family income, even if you asked.

Those surveyed were not asked about the effects of the behaviour. We do not know how often the behaviour happened and how severe it was. And, the participants were not asked whether the behaviour made them feel isolated, scared, depressed, upset and so on. This is one of the criticisms of the survey.

By using a behavioural approach, the outcomes of this study suggest that men and women are equally violent. This does not match the volumes of victimization data that show more frequent, serious and harmful impacts on women.

Effects-based Approaches

Some service providers such as healthcare workers, counsellors and mental health workers, provide treatment for the "effects" of the abuse. They tend to rely more heavily on effects-based definitions of family violence.

With effect-based approaches, we know behaviour is harmful because it has a **negative effect** on another person. In fact, we may only realize that certain behaviour is abusive when it has a negative effect on the victim's feelings, intellectual development or cognitive functioning.

However, the growing body of family violence research has helped us to identify many of the behaviours that can lead to horrific outcomes for those experiencing them. For example, it is only very recently that researchers uncovered the devastating effects of emotional abuse, and the negative consequences for children who are exposed to family violence.

8. How do These Theories and Approaches Impact on Legal Definitions?

Speaking Notes:

All forms of abuse are wrong, but not all abuse, such as put downs, insults, isolating, and ignoring behaviour, are recognized as criminal offences. Legal definitions usually relate to physical harm and sexual violence - in other words, they focus on the behaviour.

However, even with physical harm, we must remember that cultural norms and values play a significant role in determining what behaviours cause harm. As a society we make judgements on whether the behaviour is considered morally right or wrong. Some aggressive acts are and some are not, depending on our values and norms. For the most part, our legal system reflects our general societal values and norms.

Discussion Question - Can you think of behaviours that were once acceptable in society that are no longer tolerated?

Thirty years ago, did we think that unwanted sexual touching was morally wrong? (For example, was it not common to blame the victim? A nice girl would not put herself in that position or "she was asking for it". The cultural norms or values of the time meant that behaviour that is now considered abusive and against law, was not included in our legal definitions of violence or assault.)

Note to Facilitator: Another example that you might share is corporal punishment of children in schools. This was once common and acceptable. Nowadays, the New Brunswick *Education Act* prohibits corporal punishment because research has show that physical punishment only tends to make older children angry, resentful and likely to fight back. It can lower their self-esteem and lead to behaviour disorders. However, society has not gone so far as to completely ban corporal punishment of children. A recent challenge to Section 43 of the *Criminal Code*, often called the Spanking Law, failed. The Supreme Court of Canada did not find that is was unconstitutional that parents and those standing in the place of parents should use this section as defence if they used physical force to discipline children, as long as it was reasonable force. The Court even set some limits on what would be considered reasonable force.

In Module Four we will discuss the criminal law system and some of the legal remedies available to help abused women.

9. Where do the Two Popular Models Fit In?

Speaking Notes:

Depending on the background theory and the approach used for recognizing and dealing with family violence, two popular explanatory models are widely used:

> **The Cycle of Violence Model:** This **effect-based** approach identifies three phases of domestic violence - the tension building period where the woman starts to walk on egg shells and becomes fearful that she has done something wrong, the acute battering incident in which he becomes physically violent, and the loving contrition or absence of violence period (sometimes referred to as the honeymoon period), in which she forgives him and becomes hopeful that it will never happen again. (Walker, 1993) (**See Handout 1.4 - Cycle of Violence Model)** Some feminists reject the cycle theory because it suggested women might contribute to their victimization because they participate in the process. They also reject the notion of learned helplessness, which is seen as the typical effect of women's inability to predict outcomes in their partner's behaviour.
>
> **Power and Control Wheel:** (Duluth Minnesota) This **behaviour-based** explanatory model has emerged as the most commonly used model for the treatment of men. The model places physical violence within the context of other forms of violence (emotional/psychological, sexual and economic). Male domination is placed at the centre of the wheel and the centre of any response to abusive and battering relationships. It includes eight pieces of the pie - intimidation, emotional abuse, isolation, minimizing, denying and blaming, using children, male privilege, economic abuse, and using coercion and threats. These behaviours represent the control tactics used by abusers as methods of control, which in combination with violence, enable them to maintain power and control over their partners. (**See Handout 1.5 - Power and Control Wheel)**

Note to Facilitator: You may want to direct the participants' attention to Handout 1.6 "Equality Wheel." This model places *equality* at the center of the wheel and depicts healthy relationships based on mutual respect and quality.

10. The Consequences of Family Violence

Note to Facilitator: Finish this introductory module with Handout 1.7 about the consequences of family violence.

Message: Given the widespread nature of this problem, woman abuse is not a private concern for individuals and families—it is a serious and urgent societal issue.

Note to Facilitator: End the session by asking if there are any questions. Be sure to point the participants to the resources available in their participant's handbooks, the handouts and materials distributed in the training. Remind them that they will have more time to discuss issues during the Networking exercises that they will participate in during the final Module: Creating a Roadmap to Empowerment.

EXERCISE 1.1: THEORIES OF MALE VIOLENCE TOWARDS WOMEN - Facilitator's Notes

Theories about male violence against women influence our beliefs about victimization, treatment, and prevention. They underlie our public policies. You may have heard of all of these theories. Do you know what kinds of theories form the basis of these assumptions? Draw a line to match the description of the theory with the correct category of the theory.

Description of Theory

1. Individual pathology such as personality disorders explains why men batter.
2. Violence is a tactic of control and dominance that is condoned by societies that privilege men over women.
3. Men are more violent than women because they are genetically programmed that way.
4. Family violence stems from the couple's inadequate interpersonal strategies for communicating with one another.
5. Violence was once an adaptive advantage for men to control their wives reproduction.
6. All violence is a learned behaviour that is transmitted through the generations.
7. Men who batter have had a brain injury in the past or some kind of neurological damage as an infant.
8. Lack of traditional family autonomy and the breakdown of social values promotes divorce, same-sex couples and abortion, which results in violence and dysfunction in the family.

Category of Theory

Darwinian (evolutionary) Theories

Organic Theories

Psychological Theories

Conservative Religious Theories

Social Exchange Theories

Feminist Theories

Social Learning Theories

Socio-biological Theories

Facilitator's Answer Key:

1. Individual pathology such as personality disorders explains why men batter. **Answer: Psychological Theories**

2. Violence is a tactic of control and dominance that is condoned by societies that privilege men over women. **Answer: Feminist Theories**

3. Men are more violent than women because they are genetically programmed that way. **Answer: Darwinian or Evolutionary Theories**

4. Family violence stems from the couple's inadequate interpersonal strategies for communicating with one another. **Answer: Systems or Social Exchange Theories**

5. Violence was once an adaptive advantage for men to control their wives reproduction. **Answer: Socio-biological Theories**

6. All violence is a learned behaviour that is transmitted through the generations. **Answer: Social Learning Theories**

7. Men who batter have had a brain injury in the past or some kind of neurological damage as an infant. **Answer: Organic Theories**

8. Lack of traditional family autonomy and the breakdown of social values promotes divorce, same-sex couples and abortion, which results in violence and dysfunction in the family. **Answer: Conservative Religious Theories**

MODULE TWO

RECOGNIZING DIVERSITY AND UNIQUE BARRIERS

Presentation Notes

1. Learning Objectives

Exercises (See Participant's Handbook)

2.1 Diversity
2.2 Building Inclusive Practices

Handouts (See Participant's Handbook)

2.1 Factors that Increase Risk of Abuse and Family Violence
2.2 Barriers to Law Information Faced by Abused Rural Women
2.3 Barriers to Law Information for Adults with a Disability
2.4 Barriers to Law Information in Aboriginal Communities
2.5 Barriers to Information and Services in Same-Sex Relationships
2.6 Institutional Abuse

Time: 45 Minutes

1. Learning Objectives

Take a few minutes to introduce the module (Slide 2.1) and the learning objectives of this module (Slide 2.2).

This module is intended to provide a solid understanding of the unique and complex situations that may arise due to differences of gender, race, culture, sexual orientation and ability. Upon completion of this unit, the participants will have demonstrated an understanding of issues of diversity by:

- Identifying unique characteristics of diverse situations that abused women may encounter when they seek help or turn to the justice system for remedies;
- Exploring ways to overcome barriers and to ensure that service delivery takes an inclusive approach that welcomes all victims and actively removes barriers to accessing information and services.

Note to Facilitator: This module has been designed as exercises with discussions to follow.

1. Hand out Exercise 2.1 "Diversity." Ask the participants to do the quiz in teams of 2 so that they can discuss the answers. Give them 15 minutes to do the quiz and then review the correct answers with them.

To assist with further discussion of issues related to diversity, be sure to give participants the following handouts:

Handout 2.1 - Factors that Increase Risk of Abuse and Family Violence
Handout 2.2 - Barriers to Law Information Faced by Abused Rural Women
Handout 2.3 - Barriers to Law Information for Adults with a Disability
Handout 2.4 - Barriers to Law Information in Aboriginal Communities
Handout 2.5 - Barriers to Information and Services in Same-Sex Relationships
Handout 2.6 - Institutional Abuse

2. Handout Exercise 2.2 "Building Inclusive Practices." Ask the participants to do the exercise in groups of 3 to 5. Give them 15 minutes to do the exercise. Depending on your location and the dynamics of the group you may want to change the issues that the exercise focuses on. For example, you may want to get the groups to discuss how their organizations/agencies address mental and physical disabilities when promoting and delivering their services and resources.

Message: Our programs, services, policies and laws must recognize the barriers of different communities, and the people within those communities. They must be sensitive to gender, ethnicity, language and sexual orientation, among other things. They must be inviting and non-judgmental so that they are part of the solution - not part of the problem.

EXERCISE 2.1: DIVERSITY QUIZ - Facilitator's Notes

Objective:
- To explore issues related to diversity.

Materials:
- Exercise 2.1

Time:
- 15 minutes

Ask the participants to do the quiz in teams of 2 so that they can discuss the answers. Give them 15 minutes to complete the exercise and then review the correct answers with them from the answer key.

Circle the correct answers or check true or false.

1) A national research study shows that Canadian women are at greatest risk of being abused by their spouses or common-law partners when they are:
   a) over 50 years of age
   b) 25 to34 years of age
   c) 18 to 24 years of age
   d) 35 to 50 years of age

2) Rates of family violence are higher among immigrant women because immigrant men are more likely to think it is acceptable to beat their wife.
   ☐ TRUE or
   ☐ FALSE

3) When women in same sex relationships experience family violence, they may find it difficult to get help because:
   a) they may fear being outed
   b) other people may be judgmental
   c) service providers think that abuse only happens in male-female relationships
   d) all of the above

4) The rate of family violence and abuse of women with disabilities is

a) 10 times higher than women without disabilities
b) about the same as women without disabilities
c) 5 times higher than women without disabilities
d) much less than women without disabilities

5) Most violence against person's with disabilities happens in institutional settings.

- ☐ TRUE or
- ☐ FALSE

6) Family violence services for First Nation's women are not necessary because family violence is not common and any services required are provided on reserve.

- ☐ TRUE or
- ☐ FALSE

7) Older adults are at increased risk for physical abuse.

- ☐ TRUE or
- ☐ FALSE

8) A recent study on women who experience abuse in a rural context found that:

a) small communities offer more support to victims of abuse than urban centres
b) family and friends of rural women think that the abuse is normal
c) people do not tolerate men who act abusively towards their spouse
d) firearms in the home make the abuse seem more threatening.

9) A national study by Kwing Hung (Firearms Statistics-March 2000) found what percentage of Canadian women who were killed by their husbands were shot?

a) 75%
b) 30%
c) 15%
d) 40%

10) The safest time for an abused woman is during pregnancy because physical violence tends to lessen.

- ☐ TRUE or
- ☐ FALSE

11). There is a need to address gender differences in abuse programming for women and girls, compared to that of boys and men because

a) boys are never victims of abuse
b) girls and women are more likely to internalize their reaction to violence than men or boys
c) girls and women develop mental disorders if not treated for abuse, while boys and men are much more resilient
d) none of the above.

12) In a study of abused farm and rural women in New Brunswick, many of the women reported that their partners threatened to kill their pets or farm animals.

- ☐ TRUE or
- ☐ FALSE

13) Workplace violence can involve insults, threats, bullying, physical assaults, or sexually harassing behaviours in the place of employment. Perpetrators of workplace violence may include:

a) other employees
b) the employer
c) clients or business customers
d) all of the above
e) none of the above

Answer Key:

1) **b - The 2001 Statistics Canada Report, Family Violence in Canada, indicated that women age 25-34 years are at the greatest risk of being abused.**[i]
These are the prime child bearing years for the majority of women. However, young women (18-24) are at a higher risk of domestic homicide by their current or ex-husbands or common-law partners (Trainor, 2002).[ii]
(See Handout 2.1 - Factors that Increase Risk of Abuse and Family Violence)

2) **FALSE - Family violence rates among immigrants appear to be lower than Canadian-born women.**
However, immigrants can experience unique barriers seeking help with violent relationships.

- Fear of deportation because she is sponsored by her husband and financially dependant (Thobani, 2000). She may not know that an immigrant women can be released from the sponsorship agreement because of abuse.
- Fear of the police.
- Language, cultural and religious barriers, may create difficulties for women who wish to disclose the abuse.[iii]
- Stereotypes and racism can also make it difficult for an immigrant women to leave an abusive relationship.
- These barriers can impede her ability to access legal information, and information on jobs and social welfare programs which could help her escape violence.

3) **d - All of the above**. There has not been a great deal of research documenting abuse on victims in same-sex relationships. One study recently found that "intimate terrorism" occurs in lesbian relationships, and that it has a negative impact on the mental health of victims.[iv] Individuals in same-sex relationships often feel that service providers are judging which decreases the likelihood they will continue treatment. Lesbian victims have encountered service providers who assume the abuser is male, while those seeking treatment for anger and control issues in their intimate relationship have found only treatment programs for men. Since not all same-sex couples disclose their relationship, many fear being "outed" to family members, co-

workers, or even insurance companies (Telesco, 2001) - such a disclosure by a third party can have a devastating impact.

4) a - **Women with disabilities are up to 10 times more likely to experience abuse than are non-disabled women.**
One study showed that as disabled women's dependency increases, such as requiring the help of a professional caregiver with personal daily living tasks, they become more susceptible to both physical and emotional abuse. In some instance caregivers internalize societal beliefs and stereotypes that devalue and dehumanize those in their care. This leads them to deny their clients emotional responsiveness by treating them with little or no compassion.

5) FALSE - **Abuse of persons with disabilities is more likely to occur in their own homes rather than in institutions since only about 5% of the adult population in New Brunswick with disabilities live in institutions.**
It is important to be aware of the barriers that are faced by people with disabilities living in the community:

- There are 128,130 New Brunswickers with disabilities, giving a disability rate of 17.7%. This is two percentage points higher than the national average.
- Only 6,505 live in institutions like nursing homes, hospitals, and special care homes.
- In addition to the challenges posed by disability itself, people with disabilities are often unemployed or employed in very low-paid occupations.
- They are often dependent on caregivers and face discrimination from the general public. Like so many others, victims with disabilities tend to blame themselves.
- Many behaviours that "outsiders" see as abuse may not be defined as such by the families of some people with disabilities. This helps to perpetuate a cycle of denial in which victims do not identify abuse as such. Consequently they may often not realise what they need in terms of family violence law information.

(See Handout 2.3 - Barriers to Law Information for Adults with a Disability)

6) **FALSE - First Nations and Inuit women experience higher rates of family violence than non-Aboriginal Women (Family Violence Survey: A Statistical Profile 2002).**
Since provincial marital property laws do now apply on Reserves, courts cannot order the division of the marital home. This means that Aboriginal couples do not have the same legal remedies available to separating married couples living off the Reserve. Depending on the property rules on their reserve, a First Nation's women leaving an abusive relationship may have to leave her home and in some cases, her community to find help. Many times services off-reserve do not offer culturally sensitive, timely and appropriate responses for abused First Nation's women. Many do not understand or recognize that systemic barriers, such as racism and colonialism, further inhibit Aboriginal women from finding employment, housing and other forms of assistance.
(See Handout 2.4 Barriers to Law Information in Aboriginal Communities.)

7) **FALSE. The elderly, whether institutionalized or not, are at increased risk for emotional abuse, as compared to other forms of abuse (such as physical or sexual abuse).**

- Emotional abuse toward the elderly may take either the form of omission (e.g., treating the person with little or no compassion; failing to carry out a care taking obligation) or commission (e.g., direct verbal aggression).[v]
- A recent study found that older women are more likely to experience psychological abuse by a partner than older men.
- Older victims report that the most common form of psychological violence experienced is being put down or called names, followed by attempts to limit contact with family and friends (Bunge & Locke, 2000).

8) **b and c - Abuse is normalized and firearms can turn things deadly.**

- Rural communities often have strong collective norms and patriarchal values that may serve to blame the victim and normalize the abuse.
- People tend to make excuses for the husband's abusive or violent behaviour and victims may fear being condemned or shunned by

friends, neighbours and their faith community if they try to leave the abuse.[vi]

- One study found that firearms in the home were often used in the cycle of violence to threaten or intimidate.
- In addition to threats of suicide, or harm to the women and her children, sometimes pets and farms animals were threatened with harm.
- Physical remoteness may heighten the effect of abuse and present difficulties in treatment for both victims and perpetrators because of the lack of privacy in dealing with the abuse (Bunge & Locke, 2000).

(See Handout 2.2 - Barriers to Law Information Faced by Abused Rural Women)

9) **d - 40%.**

Some statistics are:

- Kwing Hung (Firearms Statistics-March 2000) found that 40% of Canadian women killed by their husbands were shot. The study suggests that homes that have firearms are much more likely to turn deadly for women.
- The *Family Violence in Canada Survey* reveals that between 1991 and 2001, there were 738 Canadian women killed by spouses, common law partners or ex-spouses, compared to 197 men. Clearly women are much more likely than men to die as a result of domestic homicide.
- However, such national quantitative studies on domestic homicides fail to capture the full extent of the problem, since they do not include homicides committed by other "partners" such as ex-common law partners, nor do they reveal urban or rural context.
- A recent New Brunswick initiative entitled "The Silent Witness Project" examined domestic homicides of New Brunswick women since 1990. The analysis discovered:
- That partner homicides were committed not only by the spouses, ex-spouses and current common-law partners, but also by boyfriends, ex-boyfriends, intimate acquaintances, and ex-common law partners (Doherty, 2003).
- In fact, almost two-thirds of the 22 New Brunswick homicides examined were committed by men who would not have been included in the national domestic homicide database, and over 70% of these homicides occurred in rural communities.

- Finally, the New Brunswick Silent Witness initiative noted that almost 60% of the women were killed with firearms.[vii]
- These findings perhaps may reflect the fact that New Brunswick is a largely rural province and like elsewhere in Canada, gun ownership in New Brunswick is especially high in rural areas. In fact, the Canada Firearms Centre reports that New Brunswick has the second highest rate of gun ownership in Canada and the highest rate of firearm deaths of all the provinces (excluding the Territories)

10) **FALSE – Being pregnant is a risk factor for increased abused, particularly physical abuse (Trainor, 2002).[viii]**

11) **b** There is a need to address the reality of gender differences in abuse of women and girls and the underlying social dynamics that tolerate abuse. Sensitivity around gender issues, especially in rural areas where stereotypic roles are the norm, makes gender barriers even greater. Gender differences do matter, for example:

- girls and women respond differently to abuse than boys and men and are more likely to internalize their reaction to violence
- self-mutilation and self-hatred marks the lives of many girls (for example, 61% of girls with eating disorders have reported sexual abuse; 85% have reported physical abuse (Miller, 1996))
- girls experience more fear related symptoms

12) **TRUE** – A study conducted in New Brunswick by the Family Violence on the Farm and in Rural Communities Research Team (a team of the Muriel McQueen Fergusson Centre for Family Violence Research) found that many of the rural and farm women they interviewed about their experiences with family violence spoke about threats and harm to their pets and farm animals as part of the cycle of control and terror. Many of them mentioned that firearms in the home heightened the feeling that things could turn deadly. This study reinforces the findings from an earlier 2001 study of women entering shelters in Calgary which found that 41% of the 100 respondents had owned a pet, and a quarter of these pet owners had delayed seeking help because of concerns for the safety of their pet (MacIntosh: 2001). These studies suggest the need to further explore the link between animal abuse and family violence. Although most of these prior studies focused largely on pets (dogs and

cats), the New Brunswick study (Hornosty and Doherty: 2002) found that many rural and farm women had experienced threats to their farm animals as well, ranging from cattle, sheep, goats, geese, and ponies.

13) d - Perpetrators of workplace violence may include other employees (such as superiors or colleagues), clients (e.g., patients, inmates, students and/or their parents) and business customers (delivery persons, etc.). (For further information see Handout 2.6 Institutional Abuse)

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[i] Statistics Canada, Family Violence in Canada: A Statistical Profile 2001 (Canadian Centre for Justice Statistics, Ottawa: Statistics Canada, 2002) catalogue 85-224XIE: 34

[ii] Risk Factors Associated with Violence Against Women, in *Assessing Violence Against Women: A Statistical Profile*, paper prepared for Federal-Provincial-Territorial Ministers Responsible for the Status of Women, (Ottawa:2002) pp.25-29

[iii] H. Bannerji, *A Question of Silence: Reflections of Violence Against Women in Communities of Color* In *Scratching the Surface: Canadian Anti-racist Thought*, edited by E. Dua and A. Robertson (Toronto. Women's Press, 1999).

[iv] G.A. Telesco, "Sex role identity and relationship factors as correlates of abusive behavior in lesbian relationships," *Dissertation Abstracts International*, 62 (2001): 5-A. (University Microfilms No. 1945)

[v] Mia Dauvergne, Violence Against Seniors, in *Canadian Social Trends*, (Statistics Canada: Spring 2003) catalogue number 11-008-XPE, no.68

[vi] J. Hornosty and D. Doherty, "Responding to Wife Abuse in Farm and Rural Communities: Searching for Solutions that Work, In *The Trajectories of Rural Life: New Perspectives on Rural Canada*, edited by R. Blake and A.Nurse (Canadian Plains Research Centre: University of Regina, 2003): 37-54

[vii] The number of cases were small and the author (Doherty, 2003) cautions that there is no statistical significance attached to the analysis.

[viii] Risk Factors Associated with Violence Against Women, in *Assessing Violence Against Women: A Statistical Profile*, paper prepared for Federal-Provincial-Territorial Ministers Responsible for the Status of Women, (Ottawa:2002) pp.25-29

MODULE THREE

WOMAN ABUSE PROTOCOLS

Presentation Notes

1. Learning Objectives
2. Backgrounder Information
3. What are Woman Abuse Protocols?
4. What is the Role of Non-Governmental Organizations?
5. How can the Protocols Help to "Empower" Abused Women?
6. How do the Protocols Enhance Services to Abused Women?
7. Regional Resource Planning and Action Network
8. Government Services and the Protocols

Exercises (See Participant's Handbook)

1.1 Empowering Women

Handouts (See Participant's Handbook)

1.1 Booklet - ***A Service Provider's Roadmap to Empowering Women - Helping Abused Women Help Themselves***

Time: 45 minutes

1. Learning Objectives

Take a few minutes to introduce the module (Slide 3.1) and the learning objectives of this module (Slide 3.2).

This module is intended to give the service providers a firm understanding of the Woman Abuse Protocols, which are the foundation document that provides a comprehensive strategy to professionals in all relevant government departments in addressing family violence. Topics covered will include a review of development of the new Woman Abuse Protocols in 2004 and how the ways in which it promotes a "woman centred approach" and the development of regional "Roadmaps to Empowerment." Upon completion of this unit, the participants will have demonstrated an understanding of the Protocols by:

- Describing the history of the development of the Woman Abuse Protocols;
- Explaining what the Protocols are about and what they are intended to do, including understanding the empowerment approach philosophy;
- Examining how their policies and procedures for working with abused women support the Protocols and lead to more effective responses for abused women.

2. Backgrounder Information on the Development of the Woman Abuse Protocols

Note to Facilitator: To prepare for this section you should review the booklet "A Service Provider's Roadmap to Empowering Women - Helping Abused Women Help Themselves".

Before beginning your presentation you may want to get a sense of the dynamics of the group. If so, you may want to consider asking them to identify whether they work for government or if not, what type of organization or agency they are affiliated with.

You may also want to ask the participants if anyone has received training on the Woman Abuse Protocols.

Speaking Notes:

- The Woman Abuse Protocols were first introduced by the Government of New Brunswick in 1991. The Protocols recognize family violence as a societal problem and not an individual problem.
- The Protocols were revised in 2004, and province-wide training was provided for stakeholders across the Province in May and June 2004.
- The updated Protocols are structured as a "***Collective Response***" that explores ways that government and community can provide better **integration** of supports and services for women living in abusive relationships.

Message:* *By working together, government and community can co-ordinate their responses, clearly identify needs, plan future efforts, and develop solutions that work.

3. *What are the Woman Abuse Protocols?*

Speaking Notes:

- The Woman Abuse Protocols are **guidelines** that outline the roles of professionals working for **government agencies**, such as police, crown prosecutors, victim service workers, mental health and health care providers, employment and training program deliverers, educators, and others.

- The Protocols can also be used by **non-government service providers** as information and training on how to respond to woman abuse.

- The Protocols include valuable resource information to help **all front line workers** to:

  - **Recognize the signs of abuse;**
  - **Understand the dynamics of abusive relationships;**
  - **Know about the impact on women and children;**
  - **Respond appropriately;**
  - **Prevent further abuse; and**
  - **Make referrals to the appropriate services.**

4. *What is the Role of Non-Governmental Organizations?*

Speaking Notes:

Abused women, particularly rural women, may turn to non-governmental service providers in their own communities, such as transition or safe houses, faith groups, doctors, lawyers, local women's groups and farm organizations, for information and support. The Protocols recognize the vital role of these community-based agencies and encourage a "collective response" between government-based providers and others to work together in their communities to *empower* women to deal with the abuse in intimate relationships.

This approach sees both community and government as part of the solution to assisting women living in abusive relationships. Building on a **shared responsibility** is key to more a comprehensive and holistic approach to services.

5. *How can the Protocols Help to "Empower" Abused Women?*

Speaking Notes:

Past Practice

In the past, the response to woman abuse often involved imposing solutions on the "victim."

Updated Woman Abuse Protocols

***Message:* The updated Protocols centre on the abused woman and the right to make her own choices.**

The aim, therefore, is to help women **take control** of their situations. While intervention is often necessary to stop abuse, the Protocols recognize that we must **empower women** to make informed decisions and prevent further abuse.

Note to Facilitator: At this time, you may want to consider conducting Exercise 3.1 "Empowering Women."

6. How do the Protocols Enhance Services to Abused Women?

Speaking Notes:

The Protocols benefit abused woman in several ways. They ensure that police, Crown prosecutors and others delivering government-based services are trained to treat woman abuse seriously and to respond in a consistent and standard manner.

They also contribute to the healing process by holding the abuser accountable through appropriate deterrence and legal measures including charges and court mandated therapy that may help an abuser take responsibility for his actions and possibly prevent further abuse.

The Protocols also recognize the importance of government and community-based agencies working collaboratively to effectively mobilize existing resources and identify gaps.

Message: It is important for everyone to know about the community-based programs and services for women in each area because the Protocols may not refer to all of them.

Regions are encouraged to create their own **service delivery landscape** to respond to the needs of women and to identify the service mix available to women in their community. This promotes effective responses and widespread access to services, support and referrals.

Note to Facilitator: Day Two of this workshop is devoted to flushing out what your regional service delivery landscape looks like. Regional networks, community based groups and volunteers can all be part of the solution.

7. Regional Resource Planning and Action Network

Speaking Notes:

An important component in the Woman Abuse Protocols is the establishment of Regional Resource Planning and Action Networks. Regional Resource Planning and Action Networks should provide an integrated and comprehensive module for connecting existing government and community services that deliver programs and assistance to abused women. Regional networks can help service providers know who does what in their community.

Discussion Question: Does your region have a Regional Resource Planning and Action Network?

Message: Working together can avoid duplication of services and provide for a more holistic approach to delivering services and programs.

8. Government Services and the Protocols

Speaking Notes:

The Woman Abuse Protocols are covered more in depth in Handout 3.1 "**Helping Abused Women Help Themselves - A Roadmap to Empowering Women**." The purpose of this section is to provide a snapshot of the relationship between the protocols and various government services.

The Protocols provide guidelines for the following government departments:

The New Brunswick **Department of Justice and Office of the Attorney General** are central to providing effective responses to family violence. The Protocols provide guidelines on the role of the Crown prosecutor in all criminal matters ranging from deciding to lay charges through to sentencing. The Protocols also provide guidance for Family Court services.

The New Brunswick **Department of Public Safety** is responsible for public safety, policing services, victim services, probation services and corrections. The Woman Abuse Protocols provide guidance in effecting better responses to situations involving woman abuse.

The New Brunswick **Department of Health and Wellness**, which includes ambulance workers, emergency room staff, mental, public, and community health workers, addictions staff and many others, is responsible for addressing the physical, psychological, and practical needs of abused women. The Woman Abuse Protocols provide guidance to the Department in developing policies and procedures to effectively identify and manage woman abuse cases.

The **Department of Family and Community Services** can provide women with financial aid, including daycare, housing, income assistance, basic health services, and other support programs. The Protocols guide the Department in training and directing its employees to help abused women to explore their options and make informed decisions that meet their goals and needs.

The New Brunswick **Department of Education** has several programs designed to educate and prevent family violence. Pursuant to the Protocols, employees at schools must be supportive of abused women and their children, listen and refer and help them to contact other services.

The New Brunswick **Department of Training and Employment Development** provides job training, skills development, and employment programs. Under the Protocols the Department will provide training to its employees in recognizing and responding to woman abuse so as to provide effective and appropriate referrals to the proper services that are available to assist abused women.

EXERCISE 3.1: EMPOWERING WOMEN - Facilitator's Notes

Goal:
- This exercise examines how service providers might assist in empowering abused women.

Materials:
- Flip Chart and Markers

Time:
- 10 minutes

Divide the participants into groups of 3 to 5. Give them Exercise 3.1.

1. What does it mean to empower abused women?

You will probably receive some variation of the following statement.

The empowerment of women requires that they encounter knowledgeable and compassionate helpers who validate their experiences and offer services and resources that enable them to become self-sufficient and in control of their lives.

2. List ways that service providers or individuals might assist in empowering women?

After the participants are finished, you might want to get someone to assist you in writing their responses on the Flip Chart. You should check their lists with the list provided below and if they have not covered everything you might want to suggest the remaining items be included on the Flip Chart.

- Believe her story.
- Don't blame her for the abuse - it is never her fault!
- Don't dismiss her fears.
- Don't judge her for the choices she has made in the past or will make in the future.
- Support her in making her own decisions.
- Provide encouragement.
- Provide information on the various services which she requires.
- Be cognitive of any physical, mental or psychological limitations shemay have and address them accordingly.
- Be respectful of her culture and beliefs.
- Provide information on keeping safe.
- Allow her to control what services she is willing to access and when
- Allow her to control the level of assistance she requires from us. For example, does she want the service provider to make the call for her, or does she just want information.
- Create opportunities for self-sufficiency.
- Help her to develop coping skills.
- Provide information on abuse, the law, and employment, etc.
- Provide transportation to attend appointments.
- Provide day care so she can attend appointments.
- Provide affordable housing.
- Provide information and services, where possible, in her language.
- Keep information concerning her confidential, except where appropriate to connect with services she has requested.
- Find non-threatening ways to share information.
- Tell her how to find a lawyer and about legal aid.

MODULE FOUR

CRIMINAL LAW ISSUES AND FAMILY VIOLENCE

Presentation Notes

1. Learning Objectives
2. Introduction
3. Overview of the Legal System
4. Criminal Offences
5. A Journey through the Criminal Justice Process
6. Victim Impact Statements
7. Sentencing

Exercises (See Participant's Handbook)

- 4.1 What is a Woman Abuse Crime?
- 4.2 Mandatory Charging
- 4.3 Mismatched Expectations
- 4.4 Exploring Criminal Law Questionnaire

Handouts (See Participant's Handbook)

- 4.1 Overview of the Legal System
- 4.2 Criminal Charges & Woman Abuse
- 4.3 Reasons for Reluctance

Time: 60 minutes

1. Learning Objectives

Take a few minutes to introduce the module (Slide 4.1) and the learning objectives of this module (Slide 4.2).

This module will explore what happens when criminal charges have been laid. This component looks at going to court, testifying, the role of victim services, making a Victim Impact Statement and some of the special concerns that arise for abused women and their children involved in the criminal justice system. Upon completion of this unit, the participants will have demonstrated understanding of criminal law issues by:

- Explaining the legal system;
- Explaining what kind of charges may be laid;
- Describing what an abused woman can expect when she calls the police to report a domestic disturbance;
- Understanding the reasons for victim reluctance to participate in the criminal justice system and some of the ways that the system can alleviate that reluctance;
- Explaining pro-arrest and pro-charge policies;
- Explaining the support and services provided by Victim Services.

Facilitator's Note: If the opportunity exists, you might want to consider co-facilitating this module with someone from the police, RCMP, police-based Victim Services or the Department of Public Safety's Victim Services Program.

2. *Introduction*

Speaking Notes:

It is not uncommon for abused women, and even service providers who work with them, to be unfamiliar with the intricacies of the legal system, in particular, the distinction between criminal law and family law, and the implications of these distinctions.

Family law and criminal law are separate areas of law with distinct purposes, principles, procedures and, in some cases, specialized courts exist. When a woman decides to leave her abusive spouse or partner she will likely be involved with the criminal justice system and the family law courts. For example, she may need to resolve custody and access issues involving the children (family law) and need to consider applying for a peace bond (criminal law) against her former spouse or partner. She may need to contact the police to report an assault which may lead to charges being laid (criminal law). Failure to understand or be aware of the distinctions between the criminal and the family law systems can result in frustration with the legal system.

It is important, then, that service providers familiarize themselves with the legal system and its complexities at a basic level so as to better provide assistance to abused women.

3. Overview of the Legal System

Note to Facilitator: If you have time, you may want to present all of the information in this section. If you are short on time for this Module, you should consider presenting just the information under Important Distinctions, Constitutional Law, Sources of Law, and the graphic in Handout 4.1 that depicts the legal system. This material has been very instrumental in other workshops in helping the participants grasp some of the complexities of the legal system. You can then refer the participants to Handout 4.1, in its entirety, to read at another time, which provides for a complete overview of the legal system.

Speaking Notes:

This section provides a brief overview of the legal system and is designed to facilitate a basic understanding of the following:

- What is law;
- Important Distinctions
    - Difference between common and civil law;
    - Difference between public and private law;
    - Differences in standard of proof;
- Constitutional law;
- Sources of law; and
- New Brunswick's court system.

What is Law?

Discussion Question - What is Law?
Discussion Question - What are some of the objectives of law?

Law is a set of rules designed to facilitate the orderly conduct of society. Law has many objectives. Law:

- governs conduct, criminal and non-criminal, of individuals and organizations including government;
- gives effect to social policies such as social welfare and employment policies;
- protects minority rights; and
- is used as a mechanism for resolving disputes.

The above list is not exhaustive.

Important Distinctions

Civil vs. Common Law

Canada operates under two systems of law - a civil law system in Quebec and a common law system in the rest of the country. For our purposes we will focus on the common law system of law.

Public vs. Private Law

Law can be divided into two distinct categories: public and private law. **Public law** is rules governing relationships between individuals and the government. Public law matters affect society in general.

- **Criminal law** is an example of public law. Crimes are considered to be a crime against society as a whole and not just against an individual. Other examples of public law are **human rights law**, **tax law** and **administrative law**. When an action is commenced in a criminal law case, it is referred to as a **criminal case**.

Private law is rules governing relationships and interests between individuals.

- **Family law**, including **divorce** and **custody and access**, **wills and estate law**, **contract law**, and **property law** are examples of private law. When an action is commenced in a private law issue, it is referred to as a **civil case**.

Standard of Proof

In a criminal trial the standard of proof is **beyond a reasonable doubt**. It is the responsibility of the Crown prosecutor to prove that the accused committed the offence beyond a reasonable doubt. This means that if at the end of the case there remains a reasonable doubt that the accused did not commit the prohibited act with the required fault or intention, the accused will be found not guilty.

The standard of proof in a civil trial is a **balance of probability**. The decision maker must be satisfied that one party has the stronger evidence than the other. This standard of proof is lower than in a criminal case.

Constitutional Law

Canada operates under a federal system of government meaning that the power to make laws is divided between a national (federal) government and the provinces and territories. The **Constitution** is the **supreme law** of Canada and it defines the powers and limits of government regarding our political and legal systems. **Sections 91 and 92** of the Constitution provide authority for the federal and provincial governments to make laws. Section 91 lists the areas where the federal government has the power to make laws and section 92 lists the areas where the provinces can make laws. For example, the federal government has jurisdiction under section 91(26) to make laws regarding Marriage and Divorce. It also has the power, under 91(27), to enact criminal laws (contained primarily in the ***Criminal Code***). Generally, the federal government has power to legislate over matters which are in the nation's interest.

The provincial governments, on the other hand, generally have authority to legislate in areas which are of a local or private nature such as the solemnization of marriage in the province (s.92(12)), and property and civil rights in the province(s.92(13)).

The ***Canadian Charter of Rights and Freedoms*** was entrenched as part of Canada's Constitution in 1982 and overrides any statute that is inconsistent with it. The ***Charter*** guarantees a set of rights and freedoms and limits the ability of the government to act contrary to those rights and freedoms. The ***Charter*** applies to both the federal and provincial governments. The ***Charter's*** protection of rights and freedoms includes:

- Fundamental Freedoms (such as freedom of religion);
- Democratic Rights (such as a citizen's right to vote);
- Mobility Rights (such as a citizen's right to enter and leave Canada);
- Legal Rights (such as the right to life, liberty and security of the person);
- Equality Rights (such as the right to equal protection and benefit of the law);
- Language Rights (setting out French and English as the official languages in Canada);
- Rights of Aboriginal Peoples (affirming the aboriginal and treaty rights of aboriginal peoples).

Sources of Law

Legal rules are derived principally from two main sources:

- Case law or Judge made law (also known as **common law) (Note to facilitator: you may want to refer to this as small "c" common law to avoid confusion between case law which is referred to as common law and the legal common law system)**; and

- Statutory law or laws made by Parliament and the provincial legislatures. Federal statutes are referred to as ***Statutes of Canada*** and they apply to the whole country. Remember, the federal government gets its authority to make federal laws from section 91 of the Constitution. Provincial statutes are referred to by province name, such as ***Statutes of New Brunswick***. Again, the provincial government gets its authority to make laws from section 92 of the Constitution.

  Examples of statutory law:

    - Criminal offences are primarily found in the ***Criminal Code of Canada***, but can be provided for in other federal statutes. Criminal activity is regarded as a crime against society. The laws contained in the ***Criminal Code*** apply in every province and territory.

    - Laws concerning marriage, custody and access, child protection, divorce and property division are found in a variety of statutes, both federal and provincial, and in the case law. Two examples of statutes regarding these issues are the ***Divorce Act*** (federal legislation) and the ***Family Services Act*** (provincial legislation).

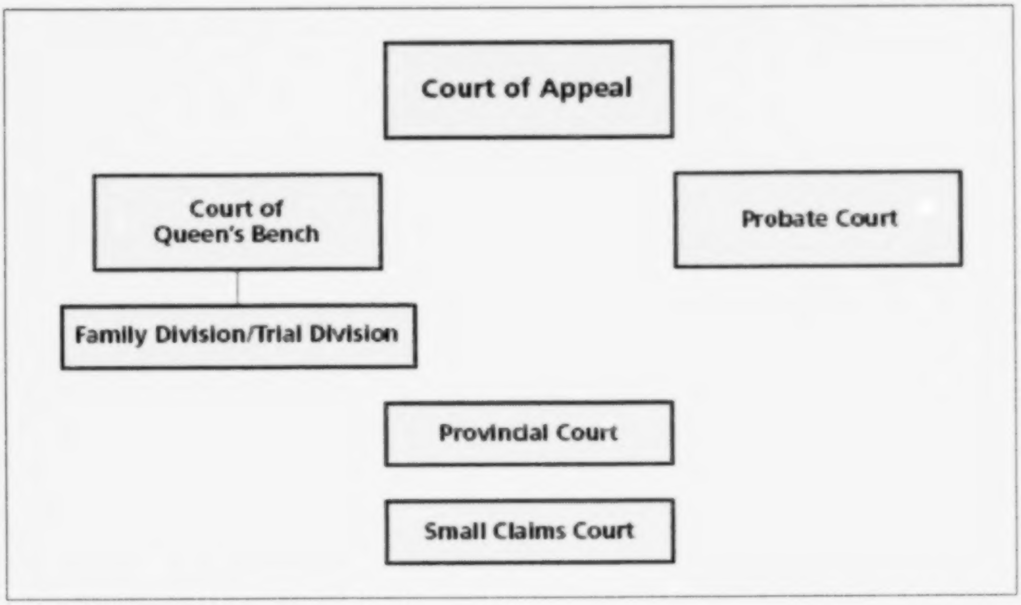
All laws, federal and provincial are subject to the ***Charter***.

To summarize, in the context of family violence, a number of legal issues may arise which may be addressed by a variety of different laws. The relevant laws could be federal or provincial and they could be public law or private law. For example, in a case involving an abused woman, who has a child and is

seeking a divorce from her abusive partner, a variety of federal and/or provincial laws may come into play including the ***Divorce Act*** (federal), the ***Criminal Code*** (federal), and the ***Family Services Act*** (provincial). Similarly, in a case involving domestic abuse, child protection legislation (provincial) and the ***Criminal Code*** (federal) might also be the source of relevant laws which address the legal issues raised.

New Brunswick's Court System

Note to Facilitator: To facilitate conversation, you might want to consider asking the participants to identify some of the courts that operate in New Brunswick. The following diagram depicts the hierarchy of New Brunswick's courts. (See Handout 4.1)


Court of Appeal
Court of Queen's Bench
Probate Court
Family Division/Trial Division
Provincial Court
Small Claims Court

New Brunswick courts are structured in a hierarchical manner. Jurisdiction to hear matters varies in each court.

- The **Court of Appeal** hears appeals in civil and criminal matters. It may also hear appeals from some tribunals and boards. The Court of Appeal is the highest court in New Brunswick.

- The **Court of Queen's Bench** is divided in two subsections - **Family Division and Trial Division**. The Court of Queen's Bench in New Brunswick is a superior court having inherent jurisdiction to hear cases.

- Generally, **the Family Division** hears all family law matters including divorce, custody and access, child and spousal support. It also hears matters involving adoption, consent to medical treatment of minors and others.

- The **Trial Division** hears civil matters, with the exception of the family law matters, which are heard in the Family Division, and all major criminal matters. It also has jurisdiction to hear appeals on summary conviction matters, which were heard in Provincial Court.

- The **Probate Court** hears matters involving wills, the granting of letters probate, letters of administration, and some administration of estates of deceased persons.

- **Provincial Court** is an entry point for criminal law matters and other offences under provincial and federal statutes. It has jurisdiction to hear most criminal matters. In situations where the Provincial Court does not have absolute jurisdiction, an accused may elect to have his or her offences heard in the Court of Queen's Bench, Trial Division.

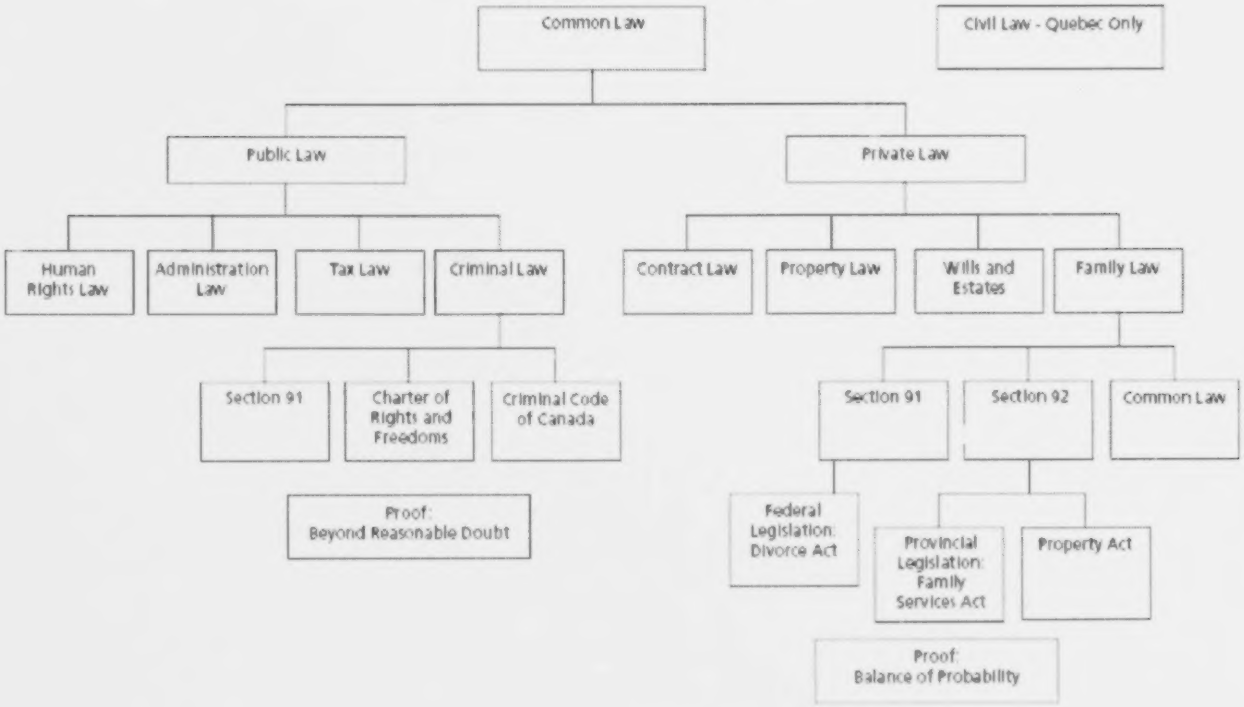
- **Small Claims Court** is designed to hear civil matters where the damages claimed do not exceed $6,000.

The next two courts are not provincial courts.

- The **Federal Court of Canada** hears most cases involving federal laws on issues such as income tax, immigration, and patents. While the ***Criminal Code*** is a federal statute, criminal cases are tried at provincial courts. The Federal Court has both a trial and appellate level.

- The **Supreme Court of Canada** is located in Ottawa and is the final court of appeal in Canada. In most cases, authorization to appeal a case to the Court must be sought and appeals usually come from the court of last resort (e.g. New Brunswick Court of Appeal) in the province/territory. Its decisions have effect across the country.

Overview of the Legal System


Common Law
Civil Law - Quebec Only
Public Law
Private Law
Human Rights Law
Administration Law
Tax Law
Criminal Law
Contract Law
Property Law
Wills and Estates
Family Law
Section 91
Charter of Rights and Freedoms
Criminal Code of Canada
Proof: Beyond Reasonable Doubt
Section 91
Section 92
Common Law
Federal Legislation: Divorce Act
Provincial Legislation: Family Services Act
Property Act
Proof: Balance of Probability

Note: This overview of the legal system is very basic and is not exhaustive.

4. *Criminal Offences*

Note to Facilitator: This section reviews the forms of family violence that are criminal offences under the *Criminal Code*.

Speaking Notes:

The Criminal justice system's response to domestic violence has evolved in large part due to the efforts of women's groups and grassroots movements in raising awareness on the issues of spousal or partner abuse. Changes to the criminal justice system's response to domestic violence have resulted in a greater number of charges being laid in cases of domestic violence. Past police practices of charging only when the offender was actually observed assaulting his partner or if her injuries were of a certain severity have largely been eradicated. Today, our understanding of abuse has broadened beyond physical violence to include emotional and psychological abuse.

The *Criminal Code*, along with other laws, provides the legal framework to address abuse. Different laws address different aspects of domestic violence and it is important to be familiar with how the legal system addresses abuse.

The criminal justice system cannot guarantee a woman's safety or the safety of her children. It is important for service providers to recognize the limits of the criminal justice system and to assist women in identifying alternative options that may be available.

Message:* *The legal system including the criminal justice system can not resolve the societal problem of family violence. At best it provides some respite from certain forms of abuse.

Note to Facilitator: In order to present an overview of the type of charges that are typically associated with "woman abuse" cases, you can either conduct Exercise 4.1 or ask the following question "What are some of the offences provided for under the *Criminal Code* which can address certain aspects of family violence and woman abuse?" to assess knowledge. Present Handout 4.2 "Criminal Charges & Woman Abuse."

There is no such charge as wife battering.

In addition to the horrendous crimes such as **murder**, **attempted murder**, **manslaughter** and **criminal negligence causing death or bodily harm**, family violence victims may experience offences such as:

> ***Assault:*** An assault happens when a person, without the consent of the other person, intentionally applies force, directly or indirectly, against that person. Threats to harm somebody may also be an assault when the victim believes on reasonable grounds the person can carry out the threat. The law does not distinguish between assault on spouses, common law partners or strangers. In addition to **simple assault**, a person can also be charged with ***assault with a weapon*** or ***causing bodily harm***, ***aggravated assault***, ***unlawfully causing bodily harm*** or ***sexual assault***.
>
> ***Sexual Assault:*** Sexual assault is an assault which is committed in circumstances of a sexual nature. Sexual contact without consent, ***including by a spouse or partner***, is a crime. This includes participation in sexual activity because of threats or fear of refusing. The *Criminal Code* also includes ***sexual assault with a weapon***, ***sexual assault involving threats to a third party***, ***sexual assault causing bodily harm*** and ***aggravated sexual assault***.
>
> ***Criminal harassment***. This offence is sometimes called "stalking." It prohibits anyone from repeatedly following a person, repeatedly communicating, watching, or threatening the person or any family member in a way that causes the person reasonably, in all the circumstances, to fear for her/his safety or the safety of someone else.

Uttering threats: It is illegal to threaten someone, in any way, with death or bodily harm to any person, or with damage to or destruction of property, or to kill or injure an animal or bird that is the property of any person.

Intimidation: It is illegal to compel another person to do something or compel another person not to do something by using violence or threats of violence against her/him, their spouse or common law partner or children, damaging their property or persistently following the person around or watching their home or work.

Failing to provide the necessaries of life: Parents, foster parents, guardians or the head of a family are obligated to provide children, under the age of 16, with the necessaries of life. A person must also provide the necessaries of life to their spouse or common law partner or a person under their charge if that person is unable to provide her or himself with the necessaries of life and is unable to withdraw from that charge because of illness, age or mental disorder. "Necessaries of life" include things like food and water but can also include medical treatment.

Please note - the above does not contain a complete list of all the offences available to address all aspects of domestic abuse.

Note to Facilitator: It is important to communicate to the participants that whenever a person is charged with a criminal offence he or she is *presumed innocent until proven guilty*. This is a *Charter* right. The lawyers who prosecute offenders (Crown prosecutors) have to prove he or she committed an offence beyond a reasonable doubt.

5. A Journey through the Criminal Justice Process

Note to Facilitator: This section is designed to give service providers an overview of what an abused woman can expect when she calls the police to report an assault. It is intended as general information only and police practices in a particular area may vary.

Speaking Notes:

The following section is designed to provide you with an overview of the criminal justice process, in particular, to describe what an abused woman can expect when she calls the police to report a domestic disturbance. We will also explore some of the reasons why victims might be reluctant to participate in the criminal justice system. The information provided in this section is general information only and is not to be construed as legal advice. The purpose is to better inform service providers and others so they can be better prepared to assist women who are victims of abuse.

Calling the Police

Police officers are trained to treat woman abuse seriously and to respond to incidents involving domestic abuse in the same manner they respond to other assaults. The **Woman Abuse Protocols**, developed by the New Brunswick government, provide guidelines for the police and others when responding to situations involving domestic abuse. According to the guidelines, woman abuse is to be treated "**as any other serious criminal matter.**"

When a woman has been physically or sexually assaulted or threatened with harm or stalked, **a crime has been committed**. She should call the police as soon as possible. If she is in immediate danger she may have to get away and call the police from another location. The sooner she calls the police, the easier it will be for the police to collect evidence of the crime.

Discussion Question - Would anyone like to identify some possible reasons why an abused woman would not want to call the police?

Encourage the participants to explore diversity by asking them if immigrant women, rural women, First Nations' women, lesbian women, etc., might have reasons other than those already addressed.

Refer to Handout 4.3 for possible answers

A police officer has the authority to use as much force as is reasonably necessary to prevent the commission of an offence if the offence is likely to cause immediate and serious injury to the person or property of anyone. The Woman Abuse Protocols state that if the police are called to a domestic dispute and entry is denied upon their arrival, the police officer should explain to the occupant of the dwelling that s/he is there to help and also to assure him or herself that there is no serious problem inside the dwelling. If entry is still denied, the police might force entry into the home in certain situations such as where there are:

- Cries for help;
- *Visible weapons;*
- Obvious signs that a struggle has occurred;
- An eye witness account that a crime has occurred, and that the victim is still in the home.

Often the police are the only source of intervention for abused women living in rural New Brunswick and this puts them at increased risk. The remoteness of the area will likely affect police response times - it could be hours before the police arrive at the scene. It may not be safe for her to remain in the home and wait for the police to arrive, but she may not be aware of or have any other options. It is imperative then, that service providers provide women in abusive relationships with information on emergency shelters and alternative methods for staying safe, such as creating a safety plan.

Discussion Question - Is anyone aware of any other barriers that may affect the police's response to a domestic violence call?

If the police fail to respond to a call for help, they could be liable for negligence for breach of their police duty. This is not to say that dissatisfaction with police response constitutes negligence but if a woman feels that the police have indeed been negligent she may want to contact a lawyer.

Police Investigation

The police will investigate what happened and write a report about it. The report may contain the following:

- A statement given by the woman, either written or videotaped, detailing the offence and any injuries and fears;
- Photographs of the injuries;
- Photographs of property damage;
- Witness statements;
- Hospital or medical records of the victim.

The woman should describe to the investigating officer exactly what happened, how she was assaulted or threatened, any injuries received, how many times she was hit, incidents of past abuse, her fears for the future, the names and addresses of any witnesses, etc.

The police will ask the abused woman to make a statement, which they put in writing and have her read and sign. The police may advise her to go to the police station to record her statement by videotape, commonly referred to as a KGB statement. It may then be possible to use the videotaped statement as evidence in the trial of the accused. A KGB statement is voluntary.

The police should also take photographs of any obvious injuries. These photographs may be taken in the days following the abuse when bruises are more likely to be obvious. The police may also take photographs of any damage to property.

The police may question neighbours or others who may have witnessed the assault.

If the woman has been injured, the Woman Abuse Protocols state that the police should recommend medical treatment. Her medical record may also be used as evidence.

Message: The collection of evidence will assist in proving the charges at trial. If the victim refuses to make a statement, the police may not have enough evidence to pursue a charge.

The Decision to Arrest

The police cannot force the alleged offender from the home unless they put him under arrest.

The police will only arrest the alleged offender if they have **reasonable and probable** grounds to believe that an assault has taken place, or will take place. According to the Woman Abuse Protocols some of the factors considered by police when determining whether there are reasonable and probable grounds are:

- The seriousness of the assault, including the injuries to the victim;
- Threats of weapon use;
- History of violence;
- Attitude of offender;
- Threats of further violence;
- Any other pertinent factors that would influence the discretion of the investigator(s).

If the police refuse to arrest the alleged offender and the woman feels that there is evidence of an assault, she should call the police station or the Crown prosecutor's office and report the lack of action.

***Message:** It is the police's responsibility and not the victim's to decide whether or not they will pursue charges. This pro-arrest policy removes the responsibility and blame for the decision to lay charges from the victim.*

Appearance Notice

Discussion Question - Will the police/RCMP always take an accused to the police station if they believe that an assault has occurred?

Service providers and abused women should be aware and prepared for situations where the police decide not to take an accused to the police station, notwithstanding that an assault is believed to have occurred, but rather give him an **appearance notice** to attend in court on a certain date. The police may take this approach where they believe on reasonable grounds that by leaving the accused in the home the offence will not continue and/or a new offence will not be committed and where they reasonably believe that the accused will attend court.

Message: According to the Woman Abuse Protocols, where an abused woman's safety and the safety of her children are at risk, the police should ensure that they are transported to a safe place.

Charging

Pro-Arrest and Pro-Charge Policy

Discussion Question - To promote participation you may wish to ask the participants if anyone can define what pro-arrest and pro-charge policies are.

In keeping with the Woman Abuse Protocols, police in domestic abuse cases are expected to arrest a perpetrator if they have good reason to suspect a crime has been committed, even if the victim objects. If there is sufficient evidence to support a charge, then charges will be laid. This is known as a pro-arrest and pro-charge policy. Charging policies on spousal abuse are in effect in all provinces and territories. While there is no national charging policy on spousal abuse, all jurisdictions continue to support a similar criminal justice system response, the primary objective of which is to criminalize spousal abuse. Charging polices are sometimes referred to as "pro-charging" or "mandatory charging". Some of the objectives of charging policies include:

- Removing responsibility (and blame) for the decision to lay charges from the victim;
- Increasing the number of charges laid in reported spousal abuse cases;
- Increasing the reporting of incidents of spousal abuse; and
- Reducing re-offending.

The responsibility to lay charges varies from jurisdiction to jurisdiction but it never falls to the victim to decide.

Pre-Charge Screening Policy

In New Brunswick, a policy exists where the police/RCMP must forward all draft charges to the Crown prosecutor for pre-charge screening before laying a charge. After evaluating the evidence to determine whether there is enough reliable and admissible evidence to allow a **reasonable expectation of a conviction** and if it is in the public interest to prosecute, the Crown prosecutor makes recommendations to the police/RCMP on whether a charge should be laid and what type.

If the Crown prosecutor recommends a charge, the police will lay an **information** in court against the accused and a Crown prosecutor will be in charge of the case.

If the Crown prosecutor does not recommend charges, the police still have the right in law to lay a charge.

Private Information

Any individual may seek to lay an information before a Judge on his/her own. This is called a private prosecution. If possible, the individual should contact a lawyer for legal advice on how to proceed with laying an information. A private person seeking to lay an information must do so under oath and in writing.

If an information is laid against the recommendation of the Crown prosecutor, the Attorney General will make a decision to either conduct the prosecution if there is merit to the charge, or stay the proceedings.

Dual or Cross-Charging

Note to Facilitator: To encourage participation you may want to consider doing Exercise 4.2 rather than presenting this section. You should review the materials provided below.

Dual or cross-charging occurs when both parties are charged with assault. The nature of the assault as self-defence or other mitigating factors may not necessarily be considered at the stage where charges are laid. The issue of dual charging is an unintended effect of pro-charging policies, and has led some jurisdictions to adopt a **primary aggressor principle**.

Some police have adopted a **primary aggressor principle** which allows those responsible for laying charges to consider the full nature of the assault including whether one party was acting in self-defence, the history of violence between the persons and any differences in size between the parties. This enables them to make a determination based on the dynamics of the situation. It remains possible that an abused woman may face criminal charges if she is also alleged to have assaulted her spouse or partner.

Note to Facilitator: You may want to ask the participants if anyone has experience with dual charging and what that experience involved.

Reluctant Witness

It is not uncommon, either before or after a charge is laid, for an abused woman to ask the Crown prosecutor not to lay charges or to stop proceedings already started.

Discussion Question - Can anyone identify some of the reasons why she might want to stop proceedings?

There may be a number of reasons why she would want to stop proceedings against the accused including being pressured to do so or because she has reconciled with her partner.

Discussion Question - How does that make you as a service provider feel when she wants the charges dropped?

Service providers, prosecutors and persons who work with abused women may become frustrated and confused with her desire not to proceed with charges. The reality is, however, that some women want the immediate abuse to stop but they don't want charges laid.

Service providers who counsel abused women should explain the importance of making the offender accountable for his actions and also remind her that sometimes a charge acts as a wake up call for an abusive man. It may be the only way to ensure her safety and make her partner get help for his violent temper. For example, if he is convicted, a Judge could order counselling as part of his sentence.

A Crown prosecutor's decision to prosecute a spousal abuse case is not based on whether the complainant wishes the case be dropped. A Crown prosecutor will assess if there is enough independent evidence to support a conviction. However a complainant's reluctance to go forward may influence a Crown prosecutor's handling of the case. A complainant should be advised that a proceeding may start against her wishes and that any withdrawal of charges would be done publicly in court.

First Appearance

If an accused is not released by the arresting officer or the officer in charge, he will appear in front of a justice usually within 24 hours. "Justice" is defined in the *Criminal Code* meaning a justice of the peace or a provincial court judge. For the purposes of these materials the term "Judge" has been used, but participants should be aware that in some cases it might include a justice of the peace, too. At this first appearance, the Judge will decide whether to release the accused on his promise to appear for trial without conditions, whether to release the accused with conditions or whether to detain him. This is often described as a "show cause" hearing.

An accused will only be detained where it is necessary to ensure his attendance at trial; where it is necessary for the protection or safety of the public, including the victim; or in any other case where just cause has been shown. For some offences, including murder, only a Judge in a superior court can order an accused released from custody. The police do not have to tell the victim that the accused has been released, but she can request this information from Victim Services or from the police. She should be advised to make plans for his release.

If an abused woman is afraid for her safety and the accused is going to be released, a Judge may order that the accused refrain from communicating directly or indirectly with her and order the accused to refrain from going any place specified in the order. If an accused violates any conditions, a warrant may be issued for his arrest. Similarly, if an accused is detained, a Judge can order that he refrain from communicating directly or indirectly with the victim or any other person identified in the order.

It is important to remember that criminal law and family law operate differently. Custody and access orders may conflict with criminal orders prohibiting contact with specified persons (including a child). Where possible, information on family law orders should be presented at criminal proceedings and vice versa. It may become confusing otherwise when one tries to determine which order applies and how.

A married woman may also consider taking legal action to obtain exclusive possession of the matrimonial home. She should talk to a lawyer about this.

Services for Victims of Crime

Note to Facilitator: This section reviews the various Services for Victims offered by the provincial Department of Public Safety Victim Services and some local police.

This may be an excellent opportunity to have someone from your local Victim Services Office attend the training and provide an overview of the range of services offered.

The criminal justice system recognizes the important role that victims of crime play in the process. Before talking about going to court, it is important to point out that victims can and should receive assistance from Victim Services. Victim Services operated through the Department of Public Safety provide a range of services for victims of crime. This service is particularly critical for vulnerable victims such as abused women. As well, some police departments can support abused women's recovery and participation in the criminal justice process through their own victim services. The Woman Abuse Protocols require that support services are put into place where appropriate.

The Department of Public Safety has established Victim Services Offices in 15 regions around the province. The Victim Services Program provides a number of services to victims including:

- information on the criminal justice system including extrajudicial processes (out-of court measures) and the court process;
- referrals for counselling to assist in dealing with the trauma of being victimized;
- court preparation and support;
- information about possible financial benefits and remedies that may be available for victims of crime;
- assistance in preparing a Victim Impact Statement, if the accused is convicted;
- information on sentencing outcome, if the accused is convicted;

- victim notification of the offender's release, if the offender is incarcerated.

Note to Facilitator: For more information, please refer to the PLEIS-NB pamphlets:

- ***Services for Victims of Crime***
- ***Victim Impact Statements: Only YOU know how this crime affected you***
- ***Being a Witness***

Going to Court

A lot of women who are victims of abuse by their spouse or partner wonder whether they will have to testify if there is a trial. A victim will often be one of the Crown prosecutor's most valuable witnesses and therefore may be called upon to provide testimony against the accused. Many women believe that they cannot be forced to testify against their husband. However, a partner or spouse who is a victim of personal violence may be compelled to testify in a trial against her partner by the Crown prosecutor. If so, a subpoena will be issued requiring her attendance to provide evidence against the accused. They will also be required to attend the entire proceeding unless excused by the court.

The ***Canada Evidence Act*** governs the procedure on how a witness' evidence will be provided including what to do when a witness recants or provides evidence in a contrary manner to what she may have provided in a police statement previously.

Discussion Question – Can anyone identify reasons why an abused woman may be reluctant to testify in court against her abuser?

An abused woman/victim may be reluctant to testify against the accused for several reasons including:

- Fear of being in the courtroom with the accused;
- Fear of an escalation in the abuse if she testifies against the accused;
- She may be intimidated by the atmosphere of the court room and by the defence;
- She may be reluctant to participate in a justice system in which her people are over represented;
- Fear that she will not be able to tell her story accurately; or
- Due to time which has elapsed between the assault and the trial the victim and the accused may have reconciled and the victim may not want to see the charge proceed.

A person who is required by law to attend or remain in attendance for the purpose of giving evidence and fails, without lawful excuse, to attend or remain is guilty of contempt of court and may be fined up to $100 and/or imprisoned to a maximum of 90 days.

If an accused person threatens or tries to bribe a victim/witness in an effort to influence her giving of testimony, she should call the police or tell the Crown prosecutor right away - these are serious criminal offences.

Note to Facilitator: For more information see the following PLEIS-NB publications:

- **Information for Abused Women - Going to Court**
- **Being a Witness**

6. *Victim Impact Statements*

Speaking Notes:

A victim of crime who has been harmed or suffered physical or emotional loss because of the offence has the right to prepare a **Victim Impact Statement** which a court **must take into consideration** when determining the sentence to be imposed on the offender. A "victim," in this context, may also include the person's direct family members. The Victim Impact Statement is one way in which the victim can tell the court how **this particular assault** has affected her and/or her children. Preparing a Victim Impact Statement is completely voluntary. Victim Services can assist her in preparing her Victim Impact Statement.

A person may also read her Victim Impact Statement in the court if she wishes, though she is not required to. It is also important to remember that once a Victim Impact Statement has been prepared and provided to the Crown prosecutor, she/he must turn it over to the accused and the defence lawyer.

Remember, a Victim Impact Statement must pertain to the criminal conviction at hand and not on past offences.

An updated Victim Impact Statement may also be considered at other proceedings, such as National Parole Board hearings, provided the victim has registered with Correctional Services of Canada.

Note to Facilitator: For more information see the following PLEIS-NB publication:

- **Victim Impact Statements: Only YOU know how this crime affected you**

7. Sentencing

Speaking Notes:

The fundamental purpose of sentencing is to contribute to respect for the law and the maintenance of a just, peaceful and safe society. Section 718 of the *Criminal Code* lists the objectives of sentencing including:

- To denounce unlawful conduct;
- To deter the offender and other persons from committing offences;
- To separate offenders from society, where necessary;
- To assist in rehabilitating offenders;
- To provide reparations for harm done to victims or to the community;
- To promote a sense of responsibility in offenders, and acknowledgement of the harm done to victims and to the community.

It is fundamental that a sentence be proportionate to the gravity of the offence and the degree of responsibility of the offender.

Evidence that an offender, in committing the offence, abused his spouse or common-law partner or child is an aggravating factor in sentencing that a court must take into consideration.

If an accused is found guilty of the charges against him, the sentence he is given will depend on a number of considerations including:

- The seriousness of the charge;
- The range of sentences provided for under the *Criminal Code*;
- Any aggravating or mitigating factors;
- His rehabilitation prospect;
- His past criminal record; and
- Sentences given in similar cases where the accused is not related to the victim.

It is important to note that an offender may not receive the sentence on the same day as a finding of guilt.

The following is a list of some of the sentencing options available under the *Criminal Code*, however the list is not exhaustive.

Absolute discharge - The accused has been found guilty of the offence charged but has not been convicted. The accused is discharged absolutely, meaning he does not have to serve any sentence. He will not have a criminal record. This takes effect immediately.

Conditional discharge - The accused has been found guilty of the offence charged but not convicted. However, under a conditional discharge the accused is required to enter into a probation order for a specified period of time. The probation order can specify conditions the person must adhere to during the specified period. At the end of the probation period, the discharge will become absolute and the individual will not have a criminal record. Discharges are not available where the *Criminal Code* prescribes minimum sentences or for criminal offences that are punishable by 14 years or life.

Suspended sentence - The accused has been found guilty and convicted of an offence, however, the court may suspend the passing of the sentence and direct the offender be released on probation with any conditions prescribed. The offender will have a criminal record. A suspended sentence is not available if the offence specifies a minimum punishment.

Probation order - A probation order can be ordered when an offender has been discharged, when they have been fined, or when they have been sentenced for a period not exceeding two years. Probation orders cannot exceed three years and provide for the imposition of a number of conditions that the offender will be required to follow which may include:

- Not drinking or doing drugs;
- Not owning, possessing, or carrying a weapon;
- Performance of community service;
- Attending a treatment program;
- Provide for support or care of dependants, or
- Comply with any other reasonable conditions that a court considers desirable for protecting society.

Conditional Sentence - The accused has been found guilty and convicted of an offence, except an offence that is punishable by a minimum term of imprisonment, and the court sentences the offender to a sentence less than two years, the court can order that the offender serve his/her sentence in the community. The Court must impose certain conditions on the sentence order including; keep the peace and be of good behaviour and report to a probation officer. The Court may impose other conditions such as those listed above under Probation order.

Intermittent sentence - Where a Judge has ordered a sentence less than ninety days on an offender convicted of an offence, the court may order that the sentence be served intermittently. A sentence of this type must also contain a probation order for the offender when not serving the sentence.

Restitution - Where an offender is convicted or discharged, a Judge can order that the offender pay restitution or financial compensation directly to the victim to pay for the loss of income or support to a person who has suffered bodily harm as a result of the offence or loss of or damage to property in addition to any other measures imposed. Where the victim is the offender's spouse, common law partner, or child, and that person has suffered bodily harm or threats of bodily harm and lived with the offender at the time of his arrest, restitution may include money for reasonable expenses to leave the household.

Fine - A fine is a sum of money you must pay. Before a fine is issued the court must be satisfied that the offender is able to pay the fine.

Imprisonment - An offender sentenced to two or more years will be sent to a federal penitentiary. If sentenced to less than two years, the offender will be sent to a provincial jail.

It should also be noted that whenever a person is convicted or discharged of an offence under the *Criminal Code* a victim surcharge is also imposed. The surcharge is 15% of any fine imposed or, where no fine is imposed, $50 in the case of a summary offence and $100 in the case of an indictable offence. The proceeds of the victim surcharge are used to provide assistance to victims of crime.

Note: For a first assault conviction he will probably be placed on probation provided the assault was not too serious.

Note to Facilitator: If you have lots of time to deliver this module, you might want to consider doing Exercise 4.3 - Mismatched Expectations.

You might also consider doing Exercise 4.4 which asks questions on the materials previously covered in this Module.

EXERCISE 4.1: WHAT IS A WOMAN ABUSE CRIME? - Facilitator's Notes

Goal:

- To explore criminal charges which address the different aspects of domestic abuse.

Materials:

- Exercise 4.1

Time:

- 15 minutes

Break the participants into small groups and tell them to read the scenario below. In the right hand column, they will identify behaviour that is criminal in nature. They will also try to identify any behaviours that they think are hurtful, but are not considered an offence. They will list both kinds of behaviour and write "Yes" or "No" beside to indicate whether they are crimes or not.

In the right column of your copy is the answer key. After the exercise, ask for a volunteer from each group to respond back to the larger group. When finished, refer the participants to **Handout 4.2** - which lists some of the offences under the ***Criminal Code*** where different aspects of woman abuse might be chargeable.

Scenario	**What are the crimes? What hurtful behaviour is not considered an offence?**
After years of abuse, Jane decided to take the children and move out. Last night had been the final straw when her husband John had forced her to perform degrading sexual acts. She told him she was packing to go to her mother's house. He told her everyone knew she had been for	Sexual contact without consent, including by a spouse or partner is a crime. Name calling and other derogatory remarks, generally, are not criminal offences.

counselling for depression and that because she was mentally ill no court would ever let her have the children and he wasn't going to let her take them. He began to call her derogatory names, accused her of cheating on him and told her she was worthless. John was furious and he began to beat Jane in the face. Both the children witnessed the beating. As a final gesture, John told her if she left she would be sorry. Jane called the police. She wanted them to arrest him and help her to leave with the children.	Hitting Jane is an assault. John's telling Jane that if she left she would be sorry could be chargeable as uttering threats and/or intimidation. The children witnessing the assault on their mother might prompt a call to child protection. There is no such charge as "wife battering."

EXERCISE 4.2: MANDATORY CHARGING - Facilitator's Notes

Goal:
- To explore the issues of mandatory charging, dual charging and primary aggressor policies.

Materials:
- Exercise 4.2

Time:
- 10 minutes

Ask the participants to get into small groups and give them Exercise 4.2. They are to read the following scenario and answer the questions that follow. After they have completed the exercise ask them to report back to the larger group.

Scenario

The police are called to a domestic dispute. The husband weighs 250 pounds and his wife weighs 98 pounds. The wife appears to have fresh cuts and scrapes on her face, and her left eye is beginning to swell and blacken. It appears to the police that the woman has been assaulted. However, the husband claims that his wife assaulted him first. He says that she slapped him repeatedly with her open hand. He has no visible injuries. Both individuals want the other charged.

1. Pro-charging or mandatory charging policies require that charges be laid in domestic disputes where there is evidence of an offence. In the above scenario both persons claim the other assaulted him or her. Under mandatory charging policies both persons could be charged with assault. **Do you think the police should charge both persons with assault? Why or why not?**

2. Some police have adopted a "primary aggressor" policy. This allows police to consider the full nature of the assault such as who struck first and who acted in self-defence, in order to decide whether one or both parties will be charged.
   Do you think primary aggressor policies offer a better mechanism for dealing with domestic abuse? Why or why not?

Note to Facilitator: Review the materials in your manual on Dual or Cross-charging. Dual charging is one of the unintended effects of mandatory charging policies. It occurs when an abused woman and her abuser are both charged with assault. Primary aggressor policies are intended to remedy the problems associated with mandatory charging, and in particular, dual charging. However, primary aggressor policies have been literally applied in some cases which has resulted in the police arresting the person that initiated the assault rather than considering the full nature of the assault.

EXERCISE 4.3: MISMATCHED EXPECTATIONS - Facilitator's Notes

Goal:
- To explore some of the expectations that people have about how the police and the criminal justice system can and should respond to their victimization.

Materials:
- Exercise 4.3

Time:
- 15 minutes

Ask the participants to get into small groups of 3 to 5 and give them Exercise 4.3. They are to discuss the chart below and decide whether the expectations are an accurate reflection of practice and/or policy, or not. Do they reflect actual police powers or principles of justice? When they are finished, bring the group back together to review the chart and clarify why the expectations are inaccurate or accurate.

Chart: What Victims Expect from Police and Criminal Justice System

Common Expectations	**Is this accurate?**	**Why or why not?**
Police can just take an abuser away from a domestic dispute and let him cool off at a friend's home.	NO	Woman Abuse Protocols require that police in domestic abuse cases arrest a perpetrator if they have good reason to suspect that a crime has been committed. See section on Pro-charge and pro-arrest policies.
Police can provide protection if she is afraid of him, like driving by or parking out front.	NO	The police do not provide on-going protection.

If the police arrest him, they will lock him away until the trial.	No	Review section on Appearance Notice and First Appearance
Police will tell her everything that's happening, such as when he's released from custody, etc.	Not necessarily.	She must ask. However, Victim Services may provide notification of the offender's release if he is incarcerated.
If she leaves, the police will take her back to her home the next day to get some things.	Depends on police policies and practices. In some cases they might escort her and allow her to take a few personal items.	
Going to court will provide personal vindication of all her suffering at his hands.	No.	The trial will only deal with the criminal charge laid and not past offences.
Nobody will believe her if she was drinking the night of the assault.	Maybe, but even if this is the case, she still has the right to protection under the law.	

The Crown Prosecutor is the victim's lawyer and can read her statement in court, so she won't have to testify.	No, and No. If a witness is compelled to testify, s/he must do so on the stand.	The Crown prosecutor is a government lawyer whose responsibility is to prosecute criminal cases. A Crown prosecutor is not the victim's lawyer and is acting on behalf of all members of the public.
The accused will be made to tell his or her side of the story in court.	No.	The Charter provides that an accused person is presumed innocent until proven guilty. Moreover, it provides that an accused person cannot be forced to testify in a proceeding where his or her innocence is being determined. The Crown prosecutor has the responsibility to prove the accused committed the offence he/she is accused of, not the accused.
The accused will ask her questions in court and say she is lying.	Not usually	Most offenders have defence lawyers to represent them.
If he is convicted, he will be sent to jail.	Unless the offence is serious, he will not likely go to jail.	
The court can order the accused to get counselling.	Yes, but there may be long wait lines.	

EXERCISE 4.4: EXPLORING CRIMINAL LAW QUESTIONNAIRE - Facilitator's Notes

Goal:
- To explore some of the issues in criminal law.

Materials:
- Exercise 4.1

Time:
- 10 minutes

Ask the participants to work in groups of two or three to facilitate discussion. This exercise is designed to review some of the materials already discussed in the facilitator's presentation.

1. "Wife battering" like "common assault" is a criminal offence under the *Criminal Code*.
   - ☐ True
   - ☐ False

Answer: False

2. The accused must prove his or her innocence in a criminal trial.
   - ☐ True
   - ☐ False

Answer: False

3. If the police have good reason to believe that an assault has occurred, they must take the perpetrator into custody?
   - ☐ True
   - ☐ False

Answer: False

4. If the Crown prosecutor recommends against laying a charge, the police can still go ahead and lay one.
   - ☐ True
   - ☐ False

Answer: True

5. An abused woman has the right to withdraw a charge if she changes her mind later on.
   - ☐ True
   - ☐ False

Answer: False

6. Once an accused has been charged, he must remain in jail until the trial.
   - ☐ True
   - ☐ False

Answer: False

7. An accused can be compelled to testify at trial.
   - ☐ True
   - ☐ False

Answer: False

8. The Crown prosecutor is the victim's lawyer.
   - ☐ True
   - ☐ False

Answer: False

MODULE FIVE

FAMILY LAW ISSUES AND FAMILY VIOLENCE

Presentation Notes

1. Learning Objectives
2. Review of the Family and Criminal Law Systems
3. Exploring the Role of Service Providers
4. Video - Divorce and Separation
5. Dispelling Family Law Myths
6. Domestic Legal Aid Program

Exercises (See Participant's Handbook)

5.1 Exploring Family Law Myths

Handouts (See Participant's Handbook)

5.1 Exploring Family Law Myths

5.1 Children Witnessing Family Violence

Time: 75 Minutes

1. Learning Objectives

Take a few minutes to introduce the module (Slide 5.1) and the learning objectives of this module (Slide 5.2).

This module is intended to explore the array of family law matters that may confront abused women who are leaving an abusive relationship, especially when children are involved. It will include general information on child protection law and the concerns of abused women about losing their children. Upon completion of this unit, the participants will have demonstrated understanding of family law remedies and related issues by:

- Describing the family law issues that most parents need to resolve when they separate;
- Recognizing that control issues may continue to characterize family law matters such as conflict on parenting arrangements, payment of support, and division of property, and use of the courts and legal process as on-going mechanisms to maintain contact and control;
- Describing the services available to abused women such as domestic legal aid, FSOS, etc.

2. Review of the Family and Criminal Law Systems

Note to Facilitator: Depending on the audience to whom you are presenting and the amount of time you have for the information session, it may be useful to review the difference between the family law and criminal law systems.

Speaking Notes:

Earlier in this training session we briefly explored the legal system and the difference between the Family Law System and the Criminal Law System. We learned that the criminal law system deals with crimes that have been committed and reported to the police. The government, through its lawyers called Crown prosecutors, prosecutes individuals who have been accused of these crimes on behalf of the people.

The family law system is different. It is a private law system, which deals with family issues such as:

- Separation (ad hoc arrangements, separation agreements, court-ordered separation);
- Parenting arrangements (custody and access);
- Support payment (child and /or spousal support);
- Divorce;
- Division of property.

Unlike the criminal system, individuals take each other to court in the family law system to enforce their rights - not the government.

Both systems may be important to a woman leaving an abusive relationship. Where women are involved in both the criminal and family systems there can be added confusion about which system does what. Knowing about both can help everyone avoid this confusion.

3. Exploring the Role of Service Providers in Sharing Family Law Information

Note to Facilitator: Start by asking the participants the following questions. Ask for a volunteer to write down all the suggestions on the Flip Chart. Take 5 minutes.

> How many of you have been asked questions by abused women about family law matters?
>
> What kinds of questions might they ask?
>
> > Continue to encourage participants with comments and questions, such as:
> >
> > > Has anyone else been asked this question?
> > > Is this a common concern?
> > > That's certainly something that would affect many women with children.
> > > (Be sure to thank individuals for their suggestions!)

After a couple of minutes, ask the volunteer to start a new page on the Flip Chart and then ask the participants:

- Who do women turn to get information on these topics?
- Why do women turn to these people for information?
- Are there people from the kinds of "helpers" or agencies listed on the Flip Chart at the information session?
- Where else do abused women typically find out about their legal rights or law information?

Note: When the session is being offered as a train-the-trainer workshop, ask the participants:

- As future facilitators, would any of you be able to conduct some training for the sectors or people who are not here today?
- How else might you share information with these people?

Speaking Notes:

You have touched on many of the questions that a woman leaving an abusive situation might ask about family law matters. You have also touched on the people they turn to for information. Like so many others, these people may get their information from American television shows that do not accurately portray the law in Canada. They may know little about what is available to help an abused woman with her family law concerns.

Often, the only information that a woman receives about her legal options and rights comes directly from family, friends and sometimes from the abuser. And often the information is WRONG.

Family violence is still perceived by many to be a private matter and that men have the right to do what they please in their own home. As a result, an abused woman may:

- Believe that she has no rights and no options.
- Be hesitant to seek help, including calling the police.
- Refuse to seek medical attention for serious illness or injury because she is afraid of triggering some unknown intervention in her life.

Before we move on to view the video, I want to emphasize two important messages:

Message 1: Misinformation and lack of access to accurate information about the law and legal options, often acts as a significant barrier for women who wish to address violence in their intimate relationships.

Message 2: As service providers, you can and should know where to direct victimized clients for law information services. You can play a direct and active role in educating your staff and facilitating your clients' access to accurate information, services and resources that answer basic questions about family law and legal process.

Remember, when an abused woman requires specific advice of her particular situation she should see a lawyer. Legal advice and representation are clearly in the realm of legal professionals.

4. Screen the video: Divorce and Separation - Legal Considerations (20 minutes)

Note to Facilitator: If time permits, you may want to consider screening the video *Divorce and Separation - Legal Considerations.* Most of the video discussion centres on custody/access and child support issues. The general topics discussed are:

- Definitions of custody and access.
- Custody and access options.
- Options for arriving at a settlement:
    - Negotiating face-to-face
    - Negotiating with the help of a mediator
    - Negotiating with the help of a lawyer
    - Going to Court
- Child Support Guidelines
- Court process in a custody case
- Limited family violence issues concerning:
    - Mediation
    - Restraining orders
    - Peace bonds

5. Dispelling Family Law Myths

Speaking Notes:

The video, ***Divorce and Separation - Legal Considerations***, covered the general areas of family law which concern families in making decisions about custody and access and support. We are now going to add to your knowledge in family law while dispelling some family law myths.

Family law myths can impact very negatively on an abused woman's decision making. It is important that you become aware of some of the most common myths and know how to dispel them.

Note to Facilitator: You can explore the myths in one of two ways.

1) Share Handout 5.1 - Exploring Family Law Myths and review the myths with the participants.

Or

2) If time allows (35 minutes), use Exercise 5.1 - Exploring Family Law Myths. You can make the Myth Cards by cutting out each myth illustrated in Exercise 5.1 and pasting them on index cards. You can then refer to Handout 5.1 for detailed information on the facts. If the participants have any questions where the answer is not provided, write the question on a Flip Chart so as to follow up with an answer at a later date.

If you haven't already done so, please direct the participants' attention to the Law Boxes which are filled with publications and other materials on family law and family violence.

6. *Domestic Legal Aid Program*

Speaking Notes:

In New Brunswick, the free mediation service offered by Court Services, as well as the free parenting after separation course, called ***For the Sake of the Children***, can help people with their family law negotiations.

However, it is not likely that a woman leaving a violent relationship will be able to sit down at the kitchen table and work out family law matters with her partner in a respectful and equitable manner.

Mediation is not an appropriate vehicle for situations of family violence precisely because of this power imbalance, which is characterized by power and control by the dominant partner. In other words, it is unlikely that an abused woman would be eligible for mediation services.

In New Brunswick, the Domestic Legal Aid Program provides assistance and legal representation for women leaving abusive spousal relationships. An abused woman must be screened into the program by the Family Court Social Workers. Once the social worker interviews the woman and decides that she does not meet the criteria for mediation, she would be screened into the domestic legal aid program. In some cases, where there is no immediate danger, the social worker may be able to use a "**settlement process**". Both members of the couple voluntarily agrees to family law matters but they do not meet face to face. (For more information, about Mediation and legal services for victims of spousal abuse, see the PLEIS-NB booklet **Domestic Legal Aid**)

Many people believe that the Domestic Legal Aid Program is the answer to all the abused women's problems. While this program can be extremely helpful for those women who qualify, it does have limitations in terms of timing, extent of coverage, and eligibility. When you are referring women to the Domestic Legal Aid Program, you should not suggest that it is the answer to all their problems.

For example, you should know that individuals wishing to obtain assistance still face many challenges, including:

- Rigorous screening process - not all women who apply are found to be eligible.
- Can be long waiting periods (2 to 4 months) before she is likely to see the Family Court Solicitor;
- Little opportunity for getting an interim or *ex parte* orders;
- More likely to be found eligible when physical violence has occurred and charges are being pursued even though the program recognizes all forms of abuse;
- Does not offer assistance with divorce except in unusual circumstances;
- Does not pursue any property division for a woman leaving a common-law partner;
- Only undertakes marital property division in uncomplicated cases where the equity is less than $20,000, etc.
- As with many programs and services for abused women, generally geared to women who have stayed at a transition house. (Statistics tell us that only about 10% of women leaving an abusive relationship will go to a transition house. Others turn to family, friends or neighbours or simply move out. It can difficult for these women to access programs and services when they leave a violent relationship).

MODULE SIX

PERSONAL SAFETY PLANS AND LEGAL REMEDIES

Presentation Notes

1. Learning Objectives
2. Legal Remedies
   - ☐ Peace Bonds
   - ☐ Civil Protective Orders
3. Safety Plans

Exercises (See Participant's Handbook)

6.1 Staying Safe
6.2 Improving Safety

Handouts (See Participant's Handbook)

6.1 Personalized Safety Plan for Abused Women
6.2 Personalized Safety Plan for Children Witnessing Woman Abuse
6.3 Be Web Safe

Time: 30 minutes

1. Learning Objectives

Take a few minutes to introduce the module (Slide 6.1) and the learning objectives of this module (Slide 6.2).

This component will examine a range of options to help address personal safety including tips on making a safety plan, with a particular focus on issues of concern to rural abused women. Legal remedies for addressing harassing conduct will be explored such as: restraining orders, peace bonds, and other protective orders. Upon completion of this unit, the participants will have demonstrated understanding of personal safety and legal remedies by:

- Understanding the various legal remedies available to protect an abused woman, as well as their limitations;
- Understanding that personal safety is the paramount concern in any situation and that in helping abused woman the service providers' motto must be "to do no harm";
- Recognizing the elements of a personal safety plan for abused women.

2. Legal Remedies

Note to Facilitator: This section provides an overview of the legal remedies available for addressing harassing conduct as provided for in the *Criminal Code* and the New Brunswick *Family Services Act*. You may use the notes below.

Speaking Notes:

Research shows that an abusive man may look for ways to continue to contact and to harass his spouse or partner after she leaves for the purpose of continuing to exert power and control over her. While the option exists for women to contact the police for the purpose of getting criminal harassment charges or other criminal charges laid, provided the evidence supports a charge, not all women want to proceed by way of criminal charges. If a woman has been assaulted or is being stalked, service providers should advise her to call the police, but the ultimate decision about involving the police is hers. Therefore, in addition to being familiar with the *Criminal Code* provisions which may result in the laying of charges, service providers should also have a basic knowledge of other legal remedies, both criminal and non-criminal, which may provide some protection for victims of abuse from their abusers' harassing conduct.

Currently, New Brunswick does not have legislation, which specifically addresses domestic violence, as is the case in some of the other provinces. The province of New Brunswick, however, has undertaken the initiative of examining domestic violence legislation in other provinces and a discussion paper entitled: "Protection of Victims of Domestic Violence: Options for Law Reform in New Brunswick" was developed which explored the option of law reform. This paper is available on line and is cited in the Resource List. Consultation sessions have since been held and the results are being analysed. Results from the consultations are expected to be released in April 2005.

That being said, as the law now stands, any legal remedies for addressing harassing conduct in this province are provided for under the *Criminal Code* and the New Brunswick *Family Services Act*. The remedies include; criminal

charges (covered extensively in Module 4), peace bonds, civil restraining orders, and other civil protective orders.

In addition to informing abused women about the various legal remedies available, service providers should also encourage women in abusive relationships and those who have left abusive situations to consider non legal measures such as developing safety plans which can contribute to her safety and the safety of her children. The second section of this Module deals with safety plans.

Message: It is important to recognize that neither the criminal justice system nor the civil system can guarantee the safety of abused women. It is imperative that service providers be familiar with the legal options that are available to protect women and also be cognisant of the limits of those options and advise women accordingly.

PEACE BONDS

Note to Facilitator:

1. **To facilitate participation you may elect to do Exercise 6-1 before beginning this section.**
2. **Peace bonds are protective orders provided for under section 810 of the *Criminal Code*. The legislation provided below is taken from section 810. You should review the legislation but depending on your audience you do not need to present it. The important point is to indicate to the participants that peace bonds are provided for under the *Criminal Code*.**

The Legislation

A peace bond is a protective measure issued under sections 810(1) and 810.2(1) of the *Criminal Code*.

Section 810(1) provides that
"an information may be laid ... by or on behalf of any person who fears on reasonable grounds that another person will cause **personal injury** to him or her or to his or her spouse or common-law partner or child or will **damage his or her property**."

Section 810.2(1) provides for a recognizance where a person "fears on reasonable grounds that another person will commit a **serious personal injury** offence."

"**Serious personal injury offence**" is defined under section 752 as

a) an indictable offence, other than ... first degree murder or second degree murder, involving
   (i) the use or attempted use of violence against another person, or
   (ii) the conduct endangering or likely to endanger the life or safety of another person or inflicting or likely to inflict severe psychological damage upon another person,

and for which the offender may be sentenced to imprisonment for ten years or more, or

b) an offence or attempt to commit an offence mentioned in section 271 (sexual assault), 272 (sexual assault with a weapon, threats to a third party or causing bodily harm) or 273 (aggravated sexual assault).

The Attorney General must consent to a recognizance under section 810.2(1). A peace bond obtained under this section provides additional protective measures because a court must consider in making its order whether it is appropriate to make a condition to the order that the offender report to the correctional authority of a province or to an appropriate police authority.

For the purposes of this training we will focus on a section 810(1) peace bond or recognizance.

What is a peace bond?

If a woman has reasonable grounds to fear that any person, including her husband or partner will harm her, her children, or damage her property, she can apply for a peace bond. A peace bond is a court order whereby an individual agrees to "keep the peace and be of good behaviour" and obey any reasonable conditions ordered by the court. Examples of such conditions may include:

- Forfeiting weapons and ammunition;
- Prohibiting the person not to be within a distance from or at a place specified in the order where the woman and her children may be regularly found (*i.e.* at work, home, or at school);
- Prohibiting the person from communicating directly or indirectly with the woman and/or her children. This includes calling her on the telephone, writing letters or sending messages. It may also include prohibiting communication with the woman's family;
- Prohibiting drug or alcohol usage, and counselling for substance abuse.

Message: A peace bond is a way to help prevent assault.

If a woman has already been assaulted, the proper procedure is for her to call the police and get them to lay a charge. All of the conditions that can be obtained with a peace bond can also be obtained from the court during the charge process leading up to trial and at sentencing. Peace bonds should only be used in this instance where there is insufficient evidence for a charge.

A peace bond does not cost anything and a woman does not require a lawyer to get one. She can go to her local police or RCMP and provide a written statement of her reasons for wanting a peace bond against her husband or partner. She should tell the police about the conditions she wants in the peace bond. It is imperative that service providers tell abused women who are considering seeking a peace bond to be specific as to what the fear is. For example, fear that the person will do what to whom such as "I am afraid that he is going to beat me up or kill me or my children or damage my home or my car." A Crown prosecutor will receive the statement from the police and assess whether the fear is based on reasonable grounds. If the statement shows that she has reason to be afraid, the police will lay an information in front of a provincial court judge.

The police will then serve a summons on the person named in the information to appear in court on a specific date. The person named in the information can go to court and agree to sign the peace bond. If he refuses to sign and disputes the claim, a hearing must be held. She will receive a summons to attend as a witness. After hearing from both sides, the Judge will decide whether to issue the peace bond. If the defendant refuses to sign the peace bond, he can be imprisoned for a period of up to 12 months. A peace bond can be issued for any length of time, up to 12 months.

Court officials will notify the woman that the peace bond has been issued. A **copy** of the peace bond, however, is not issued to the woman automatically, **she must ask the Court for it.**

She should make copies of the peace bond and provide copies to the police, her workplace, the daycare and/or schools of any children, if the order prohibits contacting the children. If appropriate, she should also provide information concerning the peace bond to family members and friends and ask that they contact her if the abuser contacts them.

Breaching the Conditions of a Peace Bond

A peace bond, although a provision under section 810 of the ***Criminal Code***, is not a charge. A person will **not** have a criminal record simply because there is a peace bond against him or her. If the person named in the peace bond breaches the conditions of the order the police should be called immediately. The police can only enforce a peace bond if they are aware that it has been breached.

Breaching a peace bond is an offence under the ***Criminal Code***. When a peace bond is breached, a person may be punished in two ways (depending on how the Crown prosecutor chooses to proceed). For less serious cases, the maximum punishment is a fine not exceeding $2000 and/or imprisonment up to six months. In more serious cases, the maximum punishment is imprisonment for up to two years.

If an abused woman obtains a peace bond against her spouse or partner, which prohibits him from contacting her and/or prohibits him from being within a certain distance of where she works or lives, she should not contact him. If she wants to see or contact him after a peace bond is in effect, she should talk to the police or the Crown prosecutor. She should ask that the peace bond be changed to allow her spouse or partner to respond if she contacts him. She must not ask the person to see her unless the peace bond has been changed or has run out.

If **dual peace bonds** prohibiting contact were issued against both partners, no contact should be made between them unless the peace bond is changed or has expired. If she breaches the peace bond, she may be found guilty of breaching a peace bond and be liable for punishment.

Disadvantages of Peace Bonds

Some of the disadvantages and limits of peace bonds are:

- A peace bond does **not** guarantee a woman's safety. **It is only a piece of paper!** In fact, a peace bond may create a false sense of security.
- Depending on the court schedules in different regions, it may take 4 to 8 weeks to get a peace bond. The waiting period can put an abused woman at increased risk especially if her spouse or partner retaliates while she is waiting for the peace bond. Service providers should warn her to be very careful in the meantime and suggest that she have a safety plan.
- A peace bond may not be appropriate for people who are still living together because it would be hard to prove fear of personal injury in that situation.
- A peace bond is effective for a period not exceeding one year and after it expires she must provide **new evidence** to get a new peace bond.

Message: It is imperative that service providers be aware of the limits of peace bonds and advise their clients accordingly. A person who has no respect for the law will not likely be deterred from continuing his abusive actions. In that situation, peace bonds may offer a false sense of security when in fact they provide little or no protection. Service providers should suggest that an abused woman create a safety plan in addition to obtaining a peace bond, which can prepare her and her children in the event the protective order is breached and their safety is compromised.

Note to Facilitator: For more information refer to "Peace Bonds - Information for Abused Women."

Civil Protective Orders

Note to Facilitator: This section reviews civil restraining orders prescribed by sections 128 and 132 of the *Family Services Act*. You may use the notes below.

Speaking Notes:

The New Brunswick ***Family Services Act*** provides for two non-criminal or civil legal remedies that an abused woman may apply for to address the harassing conduct of her estranged spouse or partner. Civil restraining or protective orders are broader in scope than peace bonds. An abused woman does not need to fear harm in order to obtain a restraining order. She may simply want her abuser to refrain from harassing or incessantly contacting her. For example, her estranged husband or partner may call her continuously on the phone despite her pleas not to.

A restraining order granted under section 128 of the ***Family Services Act*** restricts the abuser from **"molesting, annoying, harassing, or interfering with the applicant or any children in the lawful custody of the applicant..."** Section 128 applies only to persons who are legally married and living separate and apart. An application can be made on its own without being part of a custody or support application.

Under section 132 of the ***Family Services Act*** a court can order as part of a custody order that a person refrain from contacting the child and/or the person having custody or access to the child. The court can also order that the person specified in the order not enter the premises where the child resides, even where that person owns the residence. Section 132 applies equally to married and unmarried persons.

Unlike peace bonds, a restraining order does not apply to property. There are other civil remedies that deal with property.

Procedure

The procedure for getting a civil restraining order differs from that for peace bonds. To get a civil restraining order an application must be made to the court. Bringing an application is a complex procedure and an abused woman should get a lawyer to represent her on the application. She may qualify for domestic legal aid.

Disadvantages and Limits of Civil Protective Orders

Service providers should be aware of the disadvantages of civil restraining orders and their limitations and inform women accordingly.

- **Like peace bonds, civil restraining orders do not guarantee safety.** A civil restraining order may not be appropriate where an abused woman fears for her safety or that of her children.
- Unlike for peace bonds, the police are generally reluctant to enforce civil restraining order. The general procedure for breach of a restraining order is to commence a civil contempt proceeding.
- Bringing an application for a restraining order or for civil contempt proceeding generally requires a lawyer and this can be expensive.
- Delays getting into court.

3. *Safety Plans*

Speaking Notes:

In most domestic violence cases the violence escalates over time. Research has also shown that the violence often escalates after separation. Having a safety plan or a strategy for staying safe whenever a risk of harm is identified can increase the safety of an abused woman and her children.

Service providers assisting women make safety plans should understand that personal safety is the paramount concern in any situation. If she is in danger, she should leave immediately, if possible.

The role of service providers should be to explore the different options with her. She will have a sense of her own safety requirements and these need to be explored and incorporated into her safety plan.

It is important for service providers working with abused women that there is no "one size fits all" safety plan. Each safety plan should be tailored to the unique situation of the particular abused woman and what she needs to feel safe. Her safety should never be compromised. Assisting abused women prepare their safety plans requires that service providers be aware of the unique barriers that some women may face and address these barriers. For example, rural woman, immigrant women, disabled women, illiterate woman, aboriginal women, and impoverished women, to name a few, have specific concerns that need to be addressed and incorporated into each individual's safety plan. Gaps in available services need to be identified and alternatives provided, if possible.

Note to Facilitator: If you have time, you may want to do Exercise 6.2. Otherwise, direct the participant's attention to the Handouts which provide some suggestions of things to consider when assisting women develop safety plans. The Handouts also provide some sample safety plans.

Message: If you work with abused women you should be able to tell women about the importance of having a safety plan. They may need a safety plan for the home, after leaving their abusers, for the children, for the workplace, and for the Internet. You should also suggest that they review it often.

If you are unfamiliar or uncomfortable helping abused women develop a safety plan you could refer them to the local transition house or other agencies that may be able to help.

EXERCISE 6.1: STAYING SAFE - Facilitator's Notes

Objective:
- To explore some of the legal and non-legal remedies available to address harassing conduct.

Materials:
- Exercise 6-1

Time:
- 15 minutes

Divide the participants into small groups of 4 or 5 and give them Exercise 6.1. After they have completed the exercise bring them back as one group and discuss their answers. You can then adjust your presentation accordingly.

1. Research shows that an abusive man may look for ways to continue to contact and harass his spouse or partner after she leaves. In addition to laying criminal harassment charges, can you identify two other legal or non-legal mechanisms she can use to protect herself?

   Answer key: Two legal remedies are peace bonds and civil restraining orders and a non-legal remedy is a safety plan.

2. Peace bonds are protective orders available under the *Criminal Code*. A peace bond is a court order whereby an individual promises to "keep the peace and be of good behaviour" for a limited period of time. If a woman has already been assaulted, a peace bond may be a suitable substitute for an assault charge.
   ☐ TRUE or
   ☐ FALSE

   Explain why or why not.

   Answer key: False. A peace bond is a way to prevent assault. If a woman has already been assaulted, the proper procedure is for her

to call the police and get them to lay a charge. Peace bonds should only be used in this instance where there is insufficient evidence for a charge.

3. Getting a peace bond against someone will result in their having a criminal record.
   - ☐ TRUE or
   - ☐ FALSE

   Answer key: False. A person will not have a criminal record simply because there is a peace bond against him or her. However, it is a criminal offence to breach the conditions of the peace bond, and if proven, the person will have a criminal record.

4. Another option for addressing harassing conduct is to get a civil restraining order under the *Criminal Code.*
   - ☐ TRUE or
   - ☐ FALSE

   Answer key: False. Civil restraining orders are not criminal law remedies. Remember the separation between criminal and civil law. In New Brunswick, civil restraining orders are provided for under the Family Services Act.

5. A peace bond and/or a civil restraining order will guarantee a woman's safety.
   - ☐ TRUE or
   - ☐ FALSE

   Explain why or why not?

   Answer key: False. Peace bonds and/or civil restraining orders cannot guarantee a woman's safety. They are only pieces of paper. A person who has no respect for the law will not likely be deterred by them.

EXERCISE 6.2: IMPROVING SAFETY - Facilitator's Notes

Objective:

- **To explore the different types of safety plans and their contents.**

Materials:

- **Exercise 6.2**

Time:

- **20 minutes**

Divide the participants into groups of 4 or 5 and give them exercise 6.2. Once they have completed the exercise, discuss their answers. Remember to provide positive feedback on their answers and suggestions. You may refer to the answer key for possible suggested answers.

1. When would a woman need a safety plan?

    Possible answers:

    Emergency safety plan.
    Safety plan for staying in the relationship.
    Safety plan for after separation.
    Safety plan for work.
    Safety plan for the Internet.
    Safety plan for the children.

2. What are some of the key elements of a safety plan for women living with her abuser?
    Refer to answer key for possible suggestions.

3. What should a woman know about her safety on the Internet?
    See answer key - When reviewing this question with the participants you may want to ask them if they know where others can refer women for training on Internet safety. Any safety plan for web safety, like the one included in the participant's handbook

should be reviewed for accuracy from time to time. There are different types of browser and the technology changes periodically.

4. Many people think the violence ends when she leaves. There is research that indicates that violence may escalate after separation. What are some of the key elements of a safety plan for women who have left their abusers?

   Refer to answer key for possible suggestions.

5. What about her safety in the workplace?

   Refer to answer key for possible suggestions.

6. Why do you think she needs a safety plan for her children? What might it include?

   Refer to answer key and Handout 1.2 on children's safety plans.

7. Can you identify any service providers or agencies in your area that provide assistance in creating safety plans?

ANSWER KEY

EMERGENCY SAFETY PLAN

If a woman is still living with her spouse/partner she should have a safety plan in place in the event she needs to leave the home quickly. The following list offers some suggestions for things she may wish to accumulate in advance so that she can then grab them in a hurry:

- Important papers: birth certificates (for herself and her children); marriage certificate or divorce papers; passports (a photocopy of his if possible); immigration papers; social insurance card; driver's licence and registration; any existing or previous court protection orders; custody or access papers; insurance papers;
- Credit cards, bank account information; mortgage papers, ATM card;
- An extra set of keys to the house or apartment, the car and the office;
- Medications or prescriptions, provincial health cards; vaccination records;
- Picture of her spouse/partner;
- Money;
- Clothing for herself and her children;
- A toy or personal item for each child which will comfort that child;
- Sentimental items.

It will not always be safe for a woman to have the originals of important papers tucked away. She may want to consider getting photocopies of any papers, if possible.

If either of these options is not possible she may want to consider recording the identifying information on the papers and the cards and hide that information. This information may facilitate getting duplicates of the information later or allow her to access it in another manner. For example, if she has the credit card numbers recorded she can call the credit card company and request another card or get her name removed from the present one.

She should try to have everything gathered together and keep it close by, if it is safe to do so. If storing the items in her house will put her safety at risk, she may want to consider storing it with a trusted friend or family member.

The most important thing to consider is that when the violence is occurring or about to occur, the safety of the woman and her children is paramount. **If it is not safe for her to get the things she has accumulated in her safety plan, she should just leave. Her safety and the safety of her children should not be compromised.**

In addition to collecting the above items, an abused woman may also want to consider creating an exit plan for herself and her children, which may increase her safety in an emergency situation. Her safety plan might include the following:

- Plan an escape route out of her home - she should consider reviewing and practicing her escape plan occasionally. When the abuse is happening she should try to get as close as possible to one of her planned exists or near a telephone. As well, if she is being abused she should try to avoid going into rooms, which have only one exit or contain weapons or items such as knives that may be used as weapons. If she is already in such a room she should try to exit it into another room;
- She should take the children with her when she leaves, if it is safe to do so. If she decides to leave the children, she may need to get an interim custody order to get the children later;
- Record emergency numbers such as 911, the local transition house or safe houses, trusted friends, a taxi, and store them in a safe place;
- Teach her children how to use the phone to dial 911 in an emergency;
- Teach her children their full names and address;
- Develop a code word for the children which signals them to call the police, or seek refuge with a trusted neighbour or family member;
- Make plans for any pets or farm animals.

SAFETY PLAN FOR STAYING SAFE AFTER LEAVING ABUSIVE RELATIONSHIP

If a woman is living separately from her spouse or partner she should remain vigilant. Violence often escalates after separation. The following suggestions are things she may want to consider, if feasible.

- Change the locks on the doors and the windows. Install deadbolts if possible.
- Keep the doors locked at all times.
- Install a peephole on the front door.
- Ensure the address on the dwelling is clearly indicated.
- Leave on outside lights all night, unless lighting is used as a signal for help.
- Install security lights that turn on when motion is detected.
- Install some type of alarm system, if possible. If this is not possible, doing things such as drilling holes in the window frames and inserting nails may prevent windows from being opened. She may also consider putting a wooden bar in the frame of a patio door to prevent it from being opened. Putting glass bottles on the floors under windows also provides some form of warning system.
- Install smoke detectors.
- Get a unpublished phone number.
- Get caller id on the phone.
- Get a cell phone.
- Refrain from publishing her name in apartment building directories and on mailboxes.
- Keep copies of any protective orders with her at all times. She should also provide copies of the orders with her family and friends and her employer and the children's day care or schools if contact with them is prohibited in the order.
- Inform the children's schools of the situation and tell them which people are allowed to pick-up the children from school.
- Teach children not to answer the door without her permission.
- Talk to her neighbours and advise them of the situation. She may want to ask them to call police if they suspect she is being assaulted. She may also want to consider working out some type of signal, which will indicate to them that they should call the police.

- Plan an escape route out of the home and inform the children of it.
- Teach children how to use the phone.
- Teach children their full names and address.
- Get a dog.

Workplace Safety Plan

An abused woman may want to consider the following suggestions when developing a Workplace Safety Plan:

- Save any threatening emails or voicemail messages.
- Inform her employer, supervisor or other key person of the situation.
- Park close to the entrance of your building, and talk with security, the police, or a manager if she fears an assault at work.
- Have her calls screened, transfer harassing calls to security, or remove her name and number from automated phone directories.
- Identify an emergency contact person if the employer is unable to contact her.
- Make sure the employer is aware of court orders such as custody orders, peace bonds or restraining orders that forbid the harasser from being near or contacting the woman at her workplace
- Ask Security to escort her to and from her car or public transportation. If this is not possible, walk with someone else to and from work.
- Carry her keys in her hand not in her purse or pocket.
- Check the vehicle before entering it.
- Lock the car doors upon entering it.
- If possible, change her route to and from her workplace and home.
- Always be aware of her surroundings.
- Park in open areas, avoiding underground parking if possible.
- If walking, try to walk with someone else and stay on well-travelled and well-lit routes.
- If a woman feels she is being followed she should drive to the police station or to another person's house where she feels she would be safe.

Internet Safety Plan

The Internet is a wonderful resource, which allows people to access information in ways not done 15/20 years ago. Likewise for email - it allows us to communicate with people around the world almost instantaneously.

For abused woman, however, using email and the Internet can put them at increased risk for harm if their activities are being monitored by their abuser. And monitoring another person's activity on the Internet is not that difficult to do.

Service providers should advise abused women in this regard and provide them with information on how to keep safe when surfing the net and using email. **It is important to remind women that safety plans do not guarantee absolute safety.**

The safest way to prevent an abuser from monitoring his partner's/spouse's Internet and email activity is for her to use a computer that no one in her family has access to. Some suggestions might be to use a computer in a library, community access centre, at work, or at a trusted friend's house. She can obtain an email address from a web-based email program, which will only be accessible with her password. Once she is done with the community computer she can delete her "history" or addresses of the sites she has visited from that computer.

If she does not have access to an outside computer, then she should take extra care to delete the computer trail she left behind in case her abuser is monitoring her activities. She should read her computer manual on how to do this or use the Help function.

MODULE SEVEN

STARTING OVER - RESPONDING TO WOMEN'S LIVED REALITIES

Presentation Notes

1. Learning Objectives
2. Understanding the Needs of Abused Women in Your Community
3. Identifying Services: A Roadmap to Empowerment
4. Fear of Service Providers
5. Skit - A Woman's Cry for Help

Exercises (See Participant's Handbook)

7.1 How Service Providers Can Help Abused Women Become Empowered
7.2 Fear of Service Providers
7.3 Skit - A Woman's Cry for Help

Handouts (See Participant's Handbook)

7.1 Fear of Transition Houses
7.2 Booklet: ***Ending Abuse in Your Relationship: A Woman's Roadmap to Empowerment***

Time: 60 minutes

1. Learning Objectives

Take a few minutes to introduce the module (Slide 7.1) and the learning objectives of this module (Slide 7.2).

This module will explore other issues associated with leaving abuse including access to services for starting over such as housing, income assistance, training and employment and so on. Upon completion of this unit, the participants will have demonstrated understanding of the various aspects of starting over by:

- Understanding the complex journey that most women take to meet their needs and gain personal autonomy after leaving an abusive relationship;
- Recognizing the kinds of services and resources that can make a difference in supporting women as they struggle to become economically and emotionally self-sufficient;
- Describing the process of change that a woman who experiences violence may go through in seeking to improve her life and keep herself safe and the various interventions that correspond to this process;
- Knowing where to refer women for diverse service and assistance.

2. Understanding the Needs of Abused Women in Your Community

Speaking Notes:

Many women leaving abuse make decisions about how to address their needs without knowing what services and support are available in the community. As a result, women often think that they have no options. Every service provider should be able to tell an abused woman about the available local and regional services that might assist victims of family violence.

Let's consider what needs an abused woman might have. In a crisis, we often think of the police or transition houses. If a woman is leaving an abusive relationship she may have many long-term and short-term needs.

Note to Facilitator: Ask the participants to identify some of the potential long-term needs of an abused woman. This should be a quick review since they already have identified many of these in other modules. You can write the suggestions on a flip chart as they are mentioned. Cover the following.

- **She has nowhere to live (Housing)**
- **She can't afford a lawyer (Legal uncertainty)**
- **She is afraid he will take the children from her**
- **She has no money (Poverty)**
- **She has never had a bank account or managed money**
- **She has never held a job and has no marketable job skills**
- **She is timid and lacks self-esteem**
- **She is apprehensive about looking after herself and the children**
- **She is depressed, anxious and feeling unwell**
- **Her children are acting out in school and having problems**
- **Her children and family blame her - and she feels guilty**
- **She is concerned about losing her connection to her faith community**

3. *Identifying Services: A Roadmap to Empowerment*

Note to Facilitator: Depending on time and interest, either conduct Exercise 7.1 - *How Service Providers Can Help Abused Women Become Empowered*, or use the discussion question below for a group review of services available for abused women and how service providers can help women to access them.

Speaking Notes:

Discussion Question: Given that an abused woman has to deal with many issues when she leaves abuse,

(1) What kinds of services do you think would help her when she is ready to start over and build a life free of abuse?

(2) How can you empower an abused woman to access these services?

(1) Services - for example:

☐ transition house
☐ mental health services
☐ family violence counselling
☐ job counselling
☐ sexual assault crisis counselling
☐ domestic legal aid
☐ emergency housing
☐ income assistance
☐ victim services
☐ medical services

(2) Empowering - for example:

☐ make a referral
☐ give her contact numbers
☐ offer to make the contact
☐ give her information about the service
☐ contact the helping agency to coordinate assistance
☐ accompany her if she wants you to
☐ arrange transportation
☐ help her with childcare needs

Remember, you should not be imposing any services on her or taking away her right to choose. You role is to help her to become empowered. You should however, tell her that if her children are in danger that you do have an obligation to report it.

Note to Facilitator: After conducting Exercise 7.1 or discussing the question above, hand out the booklet entitled *Ending Abuse in Your Relationship: A Woman's Roadmap to Empowerment* provided in your training materials.

The booklet **"Ending Abuse in Your Relationship: A Woman's Roadmap to Empowerment"** is intended, as the name suggests, to be a road map, if you will, to helping women get out of abusive relationships or staying safe while remaining in them.

The booklet provides information on abuse and identifies available services and resources that she might consider during each stage of her journey. For example, during the "awareness" stage she may simply be looking for information on abuse. During the "action" stage, she may want to find a place to live or get a job.

At the back of the booklet is a section where she can keep track of the contacts she has made in her journey out of abuse. Like the exercise you did earlier, this booklet provides a landscape of available services and resources.

The hope is that every service provider will provide every abused woman with a booklet. She can then present the booklet to each service provider she contacts along the way and that service provider will be able to tell at a glance what services she has accessed and who the contact person was. There is space available for her to record appointment dates and other important information. As service providers you should caution her about keeping the book at home if it is unsafe for her to do so.

To facilitate her journey be sure to ask her if she would like you to provide her with additional contact names in the appropriate places.

Note: Public Legal Education and Information Service of New Brunswick and the Executive Council Office, Women's Issues Branch welcomes your comments and feedback on the booklet. Does it look like a tool that you and your organization would embrace?

Message: Since women experiencing intimate partner abuse may not know their rights or what services to ask about, do not wait for women to ask you about helping services. Be prepared to offer help. Take the time to discover some local solutions!

4. *Fear of Service Providers*

Speaking Notes:

Did you know that abused women are often fearful of the very services and service providers who are suppose to help her? For example it is not uncommon for a woman to be unsure what a transition house is and to be fearful about going there. She might also be fearful about telling her family doctor or a social worker.

Note to Facilitator: If you have time, do Exercise 7. 2 - *Fear of Service Providers.* This will further help participants understand why women are reluctant to seek help. After completing the exercise, review Handout 7.1 - *Fear of Transition Houses* to provide more detailed information specifically about transition houses. (Note: PLEIS-NB has a video called *Changing the Ending*, which deals with some these fears about going to a transition house.) You might want to suggest that everyone participating in this workshop should create similar profiles as that in Handout 7.1 of all the potential helping services that you might share with abused women.

Message: It is important to understand the fears and concerns of abused women including the fear of service providers. Many people believe that if they simply give an abused woman a business card with the name and phone number of a local service, such as a transition house, that this will empower her to get help. This is not necessarily the case. You may have to do MORE than give her a telephone number. You may have to describe the service and tell her how it can help her.

5. Skit - A Woman's Cry for Help

Note to Facilitator: If you have enough time, consider doing Exercise 7.3 - *Skit - A Woman's Cry for Help*. This skit helps to show the frustrations and helplessness that can set in when a woman meets roadblocks and obstacles whenever she looks for help. It is a poignant way to show how women can get "forgotten in the system". It takes about 30 minutes.

You may wish to do the skit and omit discussion points 2 and 4 above. The instructions for the skit include the brief talking points that you would use when you pause between scenario 1 and 2. However, after the skit, you may wish to promote a more detailed discussion on the legal and social issues in the workshop - included in Exercise 7.3 - facilitator's copy.

Message: No one expects you to do respond to woman abuse and all its complexities alone. There is a network available. However, you should be committed to familiarizing yourself with the available resources and services and helping the woman to make one more connection in her journey.

EXERCISE 7.2: FEAR OF SERVICE PROVIDERS - Facilitator's Notes

Goal:

- To explore reasons why abused women may be reluctant to seek help from various service providers.

Materials:

- Exercise 7.2

Time:

- 10 minutes

The participants are to consider the service providers and helping agencies in the chart below and provide at least one reason for each one why an abused woman might be fearful of disclosing abuse to these service providers or helping agencies. Some suggestions are provided in the right-hand box.

Helping Agency or Service Provider	Reasons for Woman's Reluctance to Disclose
Child Protection	**Fear that her children will be removed.**
Mental Health Centre	**She might fear that accessing these services might be used against her in a future custody case.**
Emergency Room Staff	**She may fear they will call the police and her husband/partner will be arrested.**
Family Doctor	**Fear that her family doctor will not understand or maybe s/he won't believe her.**
Minister/Faith Community leader	**Fear that she will be blamed for the abuse.**
Police	**Fear that she won't be believed.**
Transition House	**She may think that everyone sleeps in barrack style dormitories.**

EXERCISE 7.3: SKIT - A WOMAN'S CRY FOR HELP - Facilitator's Notes

Objective:
- This skit helps show the frustrations and helplessness that can set in when a woman meets roadblocks and obstacles whenever she looks for help.

Materials:
- Script (The script is found in Exercise 7.2 - the participant's copy)
- 13 white bed sheets
- 13 Narrative Cards with Scenario #1
- 13 Narrative Cards with Scenario #2
- A Chair

Time:
- 30 minutes

SKIT INSTRUCTIONS

ROLES: Narrator (facilitator should take on this role)
Volunteer to sit on a chair
2 people to place sheets on the volunteer
Audience participation - reading narrative cards

INSTRUCTIONS TO THE AUDIENCE:

Please don't talk during the skit
Need 1 non-claustrophobic volunteer
Readers are volunteers; no one has to read a part
Please stand when you read your part

TO MAKE THE NARRATIVE CARDS CUT AND PASTE THE TEXT FOR EACH CARD, FOUND IN "TEXT FOR NARRATIVE CARDS" AT THE END OF THIS EXERCISE, ON A SEPARATE INDEX CARD. (Or use Exercise 7.3 - participant's copy)

HAND OUT NARRATIVE CARDS for Scenario #1

The volunteer will sit on a chair and two other people will stand on either side, prepared to cover her with a sheet after each Narrative Card is read.

The narrator begins by reading the text in the Script and asking volunteers from the audience to READ their NARATIVE Card in order as numbered.

As each card is read, the two volunteers will place a sheet on the woman, periodically reassuring her and checking to see if she is okay under the sheets.

DISCUSSION WITH AUDIENCE AFTER ALL SHEETS ARE PLACED ON VOLUNTEER:

> What do you remember about the woman under the sheets?
> Has she lost her identity?
>
> How do you think she feels? No one situation is insurmountable, however, the sheets represent the cumulative effects of abuse. You can see that we have lost track of the young woman.

END THE DISCUSSION OF SCENARIO #1 WITH THIS QUESTION:

> What would happen if everyone in the community recognized the dynamics of family violence and acted accordingly in the Maria and Sam scenario?

HAND OUT POSITIVE NARRATIVE CARDS FOR SCENARIO #2

> **As each card is read, remove a sheet from the woman.**

ASK VOLUNTEER: HOW DID YOU FEEL DURING THIS SKIT?

POST SKIT DISCUSSION:

During the training session, if you have time for a full-fledged discussion, you may wish to refer to **Skit Discussion Questions** and explore questions that relate back to the training.

SKIT DISCUSSION QUESTIONS:

- Which scenario do you think is most realistic? The first or the second?
- Why does Marie blame herself? Consider psychological entrapment theories
- Do you think Sam is a monster? Can people "pick out" abusers from other men? Why did Maria's mother say he is a good father?
- Is Marie or Sam mentally ill? Anarchistic theories of mental illness…some people think that only somebody who is mentally ill would abuse their loved ones, and only somebody mentally ill would stay. People still believe that victims of abuse are masochistic and abusers are sadistic.
- Marie's mother suggests marital counselling. Recall our discussion about the theories of violence and various treatments that are predicated on those theories. For example, ***social exchange theory*** deals with the "aggressive couple" the ways in which poor communication skills contribute to violence. Do you think Marie and Sam need counselling?
- Do you think that Marie was part of a dysfunctional dyad? Do you think gender-specific counselling might have made a difference?
- Sociological theories tend to explain violence, criminality and family violence by considering general attitudes and norms in social groups. Family violence is thought to exist when there are no strong societal prohibitions against it, or because there are functional reasons for its existence in a particular setting.
- Do you think people in our society (and the people in the scenario like Marie's mothers, friend and minister) feel strongly that family violence should not exist? Yes? Then what are the functional reasons for its continued existence?
- Sociological theories consider GENDER as a KEY variable, not because of inherent differences between the sexes, but because of structural factors that create differential access to economic and political power.

One of the most widely accepted theories of family violence is the feminist approach. Feminist theories maintain that women's voices and realities are silenced and filtered through the lens of male privilege. How was Maria's voice silenced and filtered?

- Violence reflects long entrenched social attitudes and structural inequalities that revolve around patriarchal structures in the home and society. Men tend to have economic and political power and control, which permits them to dominate women and monopolize social institutions including the legal system, health and educational systems and even the family. Even our language, knowledge base and definitions of social problems are all constructed within a patriarchal paradigm.

- In the play, how did the legal system privilege Sam? Why was access to the marital home not addressed?

- Do you think social learning theory might explain the aggressive behaviour of the oldest boy? Was he destined to become an abuser?

- Some legal points:

    - Sam forces Maria to have sex. Is it okay for a husband to force a wife into sexual activity?

    - Sam repeatedly contacts Maria after she leaves and she is scared? Do you recall a legal remedy under the criminal code that might address such behaviour? (Criminal Harassment)

    - Why do you think that the Judge did not think it was important to remove Sam's hunting rifles?

- In the first scene Sam has killed the family pet. How important do you think it is to link pet abuse and domestic violence?

  Batterers may use the family pet or even farm animals as weapons to control their victims.

- In scenario one, the Doctor and nurse at the hospital suspected that Marie was an abused woman but did not know how to help her. Do you think that universal screening protocols are necessary?

- In scenario two, Marie was able to use a cell phone provided by the family violence unit to call 911. Do you think cell phone programs are an important use of resources? Does anyone in your area provide cell phones to abused women?

- The last card in each scenario is about the judiciary. In scenario one, Sam is able to pay the bond and get out of jail. He then beats Marie up again and threatens to kill her if she ever leaves. In scenario two, the bond is set at a larger sum that Sam is not able to pay and therefore he must remain in jail pending the trial. The final line of the play is "She and her children are fine." Even if Sam gets convicted and does some jail time, do you think Marie's problems are over? What precautions should she take, if any, upon Sam's eventual release from jail?

TEXT FOR NARRATIVE CARDS

SCENARIO #1

Card # 1 "Family"

Family member says "Sam's a good husband and father. He's just under too much stress these days. Try to be more understanding and things will calm down. And remember, don't discuss this outside the house, or everyone in town will know about it."

Card #2 "Law Enforcement"

The police respond to the 911 call from Marie. Due to the remote area in which Sam and Marie lives, it takes 40 minutes to get to their home. The police officer coaches the local men's baseball team. He spends time talking to Sam and tells him he needs to calm down and to just go stay at his sister's for the evening.

Card #3 "Law Enforcement"

The police respond to the 911 call from the neighbour. Because the police happen to be in the area because of a car accident, they arrive in 15 minutes. Sam appears calm while Marie is highly agitated. He tells them Marie hit him. The neighbour is not interviewed. The officer tells Marie that she can be arrested for assaulting Sam and tells her that she needs to calm down or she will be arrested.

Card #4 " The Hospital"

The nurse who is triaging the case notes that Marie has multiple injuries and bruising in various stages of healing. The injuries are noted on Marie's chart. The nurse suspects that Marie is an abused woman but does not know how to approach the subject particularly since Sam has rejected her suggestions that he leave the room. The doctor consults with the nurse and while agreeing something needs to be done, they are at a loss for what to do. The doctor treats Marie and she is released.

Card #5 "The Minister"

Minister meets with Sam and Marie together. He acknowledges that Sam is sorry about his abusive behaviour and asks Marie to forgive him. Minister encourages Sam and Marie to work on their problems and to keep the family together.

Card #6 "The Teacher"

Teacher meets with Marie during a parent/teacher interview and discusses her child's poor performance. Marie promises her that her child will work harder. The teacher has not been trained to recognize the signs of family violence.

Card #7 "The Shelter"

The shelter worker tells Marie there are not any available beds for herself and her three children. She then advises her of a homeless shelter that is only 35 kilometres away from her town. She tells Marie they cannot help with transportation costs because they have no budget.

Card #8 "The Counsellor"

Marie and Sam seek marital counselling. The counsellor believes that Sam and Marie must learn how to change the way they communicate with one another.

Card #9 "Establishing a new residence"

Marie rents a small apartment in town but runs into problems when she goes to get her power hooked up. Sam's sister works at the utility office and gives Sam Marie's new address.

Card #10 "Living in Poverty"

Marie applies for social assistance, and does not disclose that she is an abused woman. The worker does not think to ask Marie questions that will get Marie assistance as an abused woman. Instead, she tells Marie that it will take several weeks to process her application.

Card #11 "Growing Isolation"

Marie has not been able to get the phone connected because she has no money. She remains in the home without any way to call for help.

Card #12 "Department of Family and Community Services"

A neighbour calls child protection after hearing one of the children screaming. An investigation determines that Marie is failing to protect the children from Sam and the social worker eventually removes the children.

Card #13 " The Judiciary"

Judge has known Sam for many years and believes he cannot afford a high bond. Therefore, the judge sets bond at $1000. He does not inquire about prior family violence. Because it is hunting season, the judge does not order that Sam's weapons be removed. Sam pays $100 to the bail bondsman and gets out of jail.

SCENARIO #2

Card # 1 "Family"

When Marie went to her family, they said: " You don't deserve to be treated this way no matter what. Don't worry what everyone in town thinks. We're here for you tell us what you need."

Card #2 "Law Enforcement"

When law enforcement arrives they look for evidence and then arrest Sam after seeing Marie's bruised face. Law enforcement treated the incident as a crime, even though they had a personal relationship with Sam.

Card #3 "Law Enforcement"

Police interview neighbours and ask permission from Marie to search the house. Also, they have a policy of "primary aggressor" to address the issue of dual charging.

Card #4 " The Hospital"

When the doctor discovers multiple injuries and bruising which indicates different time delays between injuries, the doctor insists that Sam leave the room and then asks Marie if someone has done this to her. He tells her family violence is a crime and gives her educational information, which includes the local family violence hotline number. He promises to keep her confidence and invites her to come back if she needs more information.

Card #5 "The Minister"

When Marie tells her minister, the minister agrees to meet separately with Marie and Sam. He tells Marie she does not deserve such treatment and reassures her that God does not want her to be treated this way. He encourages her to separate while Sam gets treatment for abusive partners at a special program. He asks Sam to visit a sister congregation until everything is settled.

Card #6 "The Teacher"

The teacher has received training in family violence and identifies the situation as such. At the parent/teacher interview the teacher offers educational information to Marie and agrees to keep an eye on the kids and let Marie know if Sam tries to take the children away from school.

Card #7 "The Shelter"

When the shelter has no beds for Marie, the hotline worker offers Marie help in getting into a neighbouring shelter. The shelter coordinates transportation for Marie to the neighbouring shelter.

Card #8 "The Counsellor"

When referred to professional counselling the counsellor refuses to see both Marie and Sam in marriage counselling because of the power and control issues. Sam is referred to a nearby abusive partners treatment program and Marie goes to a support group with other women.

Card #9 "Establishing a new residence"

When establishing a new residence Marie is assisted by a power company supervisor in getting power turned on. Sam's sister, who works for the power company, is prevented from access to the information on Marie's address.

Card #10 "Living in poverty"

During the application process, the social assistance worker pieces together Marie's story and identifies her as an abused woman. She then provides information and assistance to Marie on the special benefits program available to abused women.

Card #11 "Growing Isolation"

Although isolated from neighbours, Marie uses a cell phone provided by the family violence unit and calls 911.

Card #12 "Department of Family and Community Services"

When Department of Family and Community Services is called, the worker responding has been trained in the dynamics of family violence and responds by helping Marie in every way. Educational information is given to Marie, and referrals are provided for childcare and to Family Court for custody and support of the children.

Card #13 "The Judiciary"

When facing charges the judge considers Sam's prior offences and sets bond at $50,000. Sam cannot come up with the 10% cash it will take to pay the bond. And should Sam approach friends and family for bond money, everyone agrees he is where he belongs. Marie would feel relatively safe and would be able to independently establish her life. She and her children are fine.

MODULE EIGHT

CREATING A ROADMAP TO EMPOWERMENT

Presentation Notes

1. Learning Objectives
2. Developing a Family Violence Community Action Plan
3. Dissemination Strategy
4. Instructions to Future Facilitators

Exercises (See Participant's Handbook)

- 8.1 A Family Violence Community Action Plan
- 8.2 Strategies for Disseminating Information

Handouts (See Participant's Handbook)

- 8.1 Barriers to Accessing Information
- 8.2 Suggested Ways to Disseminate Information to Rural Women
- 8.3 What You Can Do to Prevent and Respond to Abuse

1. Learning Objectives

Take a few minutes to introduce the module (Slide 8.1) and the learning objectives of this module (Slide 8.2).

This component will involve a group brainstorming session, which identifies the service landscape of the region, explores gaps in services and resources, and develops a coordinated, community action plan to help abused women find the support they need. It will include a discussion on ways to share information, dispel myths, and help abused women access resources such as crisis services, counselling, legal aid, financial support, housing, employment, and legal representation. This session may involve working with local Regional Networks. Upon completion of this unit, the participants will have demonstrated an understanding of personal safety and other issues by:

- Working collaboratively to map the service landscape of their region;
- Recognizing where they and others fit into this landscape in order to develop more effective, woman-centred responses for victims of family violence;
- Understanding how they can pool resources to collectively promote more positive outcomes for women leaving abuse, while creating a process of sustainable community development to address the safety, social, economic and law information needs of abused rural women;
- Creating a "roadmap" to empowering women seeking helping including an action plan for staying connected, making referrals, and sharing information with abused women about services and resources.

Note to Facilitator: Before beginning the day you should ask the participants if they have any questions or comments about yesterday's workshop. Try to limit the discussion to 30 minutes.

2. Developing a Family Violence Community Action Plan

Speaking Notes:

Hundreds of volunteer, community and professional organizations in communities all across Canada are working to prevent and respond to woman abuse.

The best way to prevent and respond to woman abuse is by collaborating with other people and organizations in your community. Working collectively to develop an integrated or seamless approach to responding to the needs of abused women and abuse in general will promote more effective responses and better use of resources.

Many rural women living in abusive relationships will often turn to someone in their community for assistance or information rather than come into the larger centres. Networking with others in your community including those persons in your rural areas who provide services and resources to abused women provides a valuable tool to responding to woman abuse. When an abused woman takes that first, second or third step to seek help it is imperative that service providers and others recognize it, know what services and resources are available to help her in her region and elsewhere, and know how to refer her appropriately.

In this section, you will develop a co-ordinated community action plan to responding to woman abuse.

Note to Facilitator: Do exercise 8.1

3. Dissemination Strategy

Speaking Notes:

There is an abundance of available information on abuse, resources, and the law. The information is available in a number of formats including in print form, on the internet, on CD ROM, telephone help lines, information sessions, and in train-the-trainer workshops such as the one you have been attending since yesterday.

This section of the workshop explores the ways in which service providers and others who work with abused women can get the needed information concerning abuse, legal options and vital services into the hands of abused women. Generally, it is easier for abused women to access resources and services in larger city or town centres, in part due to the location of the services, and the knowledge of their existence tends to be more wide-spread. The challenge lies in getting the information into the hands of rural women who might require it.

Note to Facilitator: Do Exercise 8.2. To assist with further discussion of the issues, be sure to give the participants the handouts.

Message:* *The methods and strategies selected to disseminate information must not put an abused woman at risk.

4. Instructions to Future Facilitators

Speaking Notes:

The present workshop is designed in a train-the-trainer format. The goal is for the trained facilitators to go back to their work sectors or organizations and provide training for others. The materials and the format in which they are presented provide another tool for disseminating information on abuse and the law.

The materials are also structured so that each module can be delivered alone or as one component of several. It also allows for co-facilitation.

Note to Facilitator: Ask the participants the following questions:

1. **How many of you here today, feel that they would be willing to either facilitate or co-facilitate workshops using the materials presented?**
2. **How can Public Legal Education assist you in your facilitation?**
    - **Public Legal Education can provide the law boxes.**
    - **Public Legal Education may be able to provide facilitators.**
    - **Public Legal Education will be training pro bono law students as co-facilitators.**

That ends the train-the-trainer workshop. Remember to thank all the participants for their participation in the workshop and their support in this initiative.

EXERCISE 8.1: A FAMILY VIOLENCE COMMUNITY ACTION PLAN - Facilitator's Notes

Goal:

- To develop a family violence community action plan and to provide opportunities for the participants to network.

Materials:

- Flip Charts
- Markers
- Red Dots
- Exercise 8.1

Time:

- 80 minutes

For the first part of the exercise, the participants should be broken up into groups of 4 or 5. Provide each group with flip chart paper and markers. The exercise is outlined as follows:

Landscaping Your Region

1. Identify the necessary services and resources that are available in your area to respond to the needs of abused women.

2. Identify gaps in services and resources and the barriers abused women may encounter when accessing existing services and resources.

3. Set priorities and suggest ways to contribute to addressing family violence.

4. Develop partnerships

After the participants are finished, bring the group back together and consider asking the group the following questions so everyone has a chance to see how the other groups answered the questions, and to provide opportunities for networking.

Possible questions you might ask:

1. In step 2 - Question 1 - Group 1 and Group 3 - What are your responses?
2. In Question 2 - Group 2 and Group 4 - What are your responses?
3. In step 3 - You might consider writing all the responses on a Flip Chart and then get each individual to come up to the Flip Chart and put a red dot on what they feel are the two top priorities.
4. In step 4 - As this exercise provides an opportunity to network, you might want to consider discussing both questions with the group to allow for greater networking.

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Includes: General information about abuse, Getting out of abusive relationships, Understanding the legal implications of partner abuse, Getting the police involved, Protecting yourself, Taking the children with you, Going to court, Other related information. Also, *Violet* has a section called "Mary's Story" and "Your Story". "Mary's Story" is a story about a woman in an abusive relationship. Each event in Mary's story provides you with some avenues and related information that may be useful for a person in a similar situation. "Your Story" is a series of action mazes that allow you to read a situation and choose different actions to take based on the scenario and learn more about the consequences of your decisions.

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Also Available from the same Website: "When women are re-victimized by the system", "Justice options for women", "How can the justice system help women who are victims of violence?", "A framework for ensuring that women who are victims of violence are not re-victimized by justice options", "Ten questions to think about... if you are considering mediation with a partner who has hurt you or who you fear", "Dialogue on Restorative Justice and Women Who Are Victims of Violence: A Discussion Paper", "Issues Arising when Victims of Woman Abuse are Involved in both the Family and Criminal Law Systems", "Linking Criminal and Family Law Issues in Woman Abuse: Justice Options for Women", "Recommendations for the PEI Family Violence Response".

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National Clearinghouse on Family Violence - Public Health Agency of Canada. This website includes a large collection of electronically-accessible resources and information in other formats on the prevention, protection and treatment of family violence including :

Publications for Distribution
Directory and Referral Service
Videos
A Library Reference Collection
A Newsletter

Family Violence: Awareness Information for People in the Workplace. (ISBN: 0-662-22575-9). Ottawa, ON: National Clearinghouse on Family Violence.

National Coalition Against Domestic Violence. (n.d.). *Publications*. Retrieved March 10, 2005, from http://www.ncadv.org/resources/Publications_123.html

Includes: 2004 National Directory of Domestic Violence Programs: A Guide to Community Shelter, Safe Home and Service Programs,

Teen Dating Violence Resource Manual: Information from teens and service providers about dealing with teen dating violence, Open Minds, Open Doors: Technical assistance manual to help programs become accessible to women with disabilities, Current Analysis of the Battered Women's Movement (1992): 20-page position paper authored by the NCADV Battered/Formerly Battered Women's Task Force, provides a survivors assessment of the movement, Guidelines for Mental Health Practitioners in Domestic Violence Cases: Written by Susan Schecter, this booklet assists mental health providers in recognizing battered women (1987), Advocating for Battered Women & Children in Custody, Visitation, & Protection Manual: Includes the latest articles on: Relevant background information on child custody issues, children's witnessing of domestic violence and failure to protect issues, jurisdictional and immigration issues, sexual assault, parental alienation syndrome, ethical and practice issues.

National Film Board of Canada. (Ed.). (1993). *The Family Violence Audio-Visual Source Guide*. Health and Welfare Canada. (ISBN: 0-7722-0492-6) Or go online at: http://www.nfb.ca/

National Online Resource Centre on Violence Against Women. (n.d.). *VAWnet*. Retrieved March 9, 2005, from http://www.vawnet.org/

Includes: a large collection of electronically-accessible resources including:
Domestic Violence: Prevention and education, approaches, campaigns, Domestic Violence Awareness Month materials, and public policy information on children, teens, housing, immigration, and welfare/economics.
Research: Bibliographies, other publications, VAWnet documents,
Services and Program Development: an area which contains information on the development and delivery of safe and appropriate services for victims of domestic violence and their children.
External Links: Government agencies, networks and institutes, violence against women organizations.
Help and Safety: Hotlines, resources, tech hints and tips, and technology safety.

In the News: Current news coverage on domestic violence.
Intersections: A clearinghouse for information and materials addressing the particular impact on victims of domestic and sexual violence of broadly diverse life circumstances such as poverty, racial discrimination, alcohol/substance dependency, disabilities, combinations of violence with other forms of abuse, animal abuse, abuse by authorities and institutions, child abuse, elder abuse, stalking, and trafficking.
Publications: Including "Building Comprehensive Solutions to Domestic Violence Initiative".
Technical Assistance and Public Education: Brochures, Packets, Papers, etc.
Women of Colour Network.
Sexual Violence: Prevention and education, kits and tools, perpetrator prevention, school-based, theory models and frameworks, campaigns, and training.

New Brunswick Advisory Council on the Status of Women. (2003, February). *Living Common Law in New Brunswick*. Fredericton, NB: Advisory Council on the Status of Women. For this publication and much more click on http://www.acswcccf.nb.ca/

New Brunswick Coalition of Transition Houses (Lists all the transition houses located in New Brunswick) www.nbcth.com

Nixon, K. (Ed.). (2002). *Safety from Domestic Violence: A Resource Manual for Service Providers*. Alberta: Public Legal Education Network of Alberta. http://www.calgary.ca/docgallery/bu/community/plena_resource_manual.pdf

Oakland County Coordinating Council Against Domestic Violence. (n.d.). Personalized Safety Plan. In *Domestic Violence Handbook*. Retrieved March 9, 2005, from http://www.domesticviolence.org/plan.html

Ontario Women's Justice Network. (2001). Restraining Orders, Peace Bonds and Terms of Release. In *Ontario Women's Justice Network: Legal Info - Q&A*. Retrieved March 8, 2005, from http://www.owjn.org/info/orders.htm

Ontario Women's Justice Network. (2002). *Cover Your Tracks*. Retrieved March 8, 2005, from http://www.owjn.org/concern.htm

Ontario Women's Justice Network (OWJN). (2003). *Ontario Women's Justice Network*. Retrieved March 10, 2005, from http://www.owjn.org

Includes: Information for people who wish to take immediate action against violence, justice issues (including information on partner abuse, sexual assault, custody & access, child support, mediation, emotional abuse, stalking/criminal harassment, equality issues, and sexual and workplace harassment), legal information, and various resources.

Poisson, S. (n.d.). Custody and Access Assessments. In *Education Wife Assault*. Retrieved March 9, 2005, from http://www.womanabuseprevention.com/html/assessment.html

Prieur, D., & Rowles, M. (1992). *Taking Action: A Union Guide to Ending Violence Against Women*. B.C.: B.C. Federation of Labour.

Public Legal Education and Information Service of New Brunswick. PLEIS-NB publishes a variety of pamphlets, booklets, handbooks, and training materials on law information and abuse. The materials are available in English and French. www.legal-info-legale.nb.ca

Public Legal Education Association of Saskatchewan. *Intermediary Training Guides*. (n.d.) Retrieved March 29 2005, from http://www.plea.org/freepubs/intermediary/intbody.htm

Public Safety and Emergency Preparedness Canada. *Children who Live with Violence: Best Evidence to Inform Better Practice*. (n.d.) Retrieved March 29 2005, from http://www.prevention.gc.ca/en/library/publications/children/violence/children_who_live_with_violence/seeking_the_best_evidence.html

Public Safety and Emergency Preparedness Canada. *Resource Centre*. (n.d.) Retrieved March 29 2005, from http://www.prevention.gc.ca/en/library/centre.html

RCMP Learning. *Family Violence, Not a Private Problem: A Multimedia Family Violence Training Program*. (n.d.) Retrieved March 29 2005, from http://www.rcmp-learning.org/docs/ecdd0077.htm#overview

Rigakos, G. (2002). *Peace Bonds and Violence Against Women: A Three-site study of the Effect of Bill C-42 on Process, Application and Enforcement (Executive Summary).* Retrieved March 9, 2005, from http://www.justice.gc.ca/en/ps/rs/rep/rr03-1a.html

Statistics Canada: The Daily. *Family Violence.* (25 July 2000) Retrieved March 29 2005, from http://www.statcan.ca/Daily/English/000725/d000725b.htm

The People's Law School. (2004, March). Abuse of People with Disabilities: Information for Service Providers. In: *The People's Law School.* Retrieved March 9, 2005, from http://www.publiclegaled.bc.ca/able/providers.htm

Includes: Legal information on a variety of topics in plain language and a list of publications available by mail.

The Safe City Committee. (1994). *Lessons from Success Stories: Making Communities Safer.* Toronto, ON: The Resource Centre.

Triune. (n.d.) *Resolving Conflict Creatively.* Retrieved March 8, 2005, from http://www.triune.ca/pages/prod/rcc1.html

Uniform Law Conference of Canada. (1999, February). *Evidence by Spouses in Criminal Proceedings.* Winnipeg, MB: Uniform Law Conference of Canada.

Visconti, L. (n.d.). *London Abused Women's Centre: Providing Counselling, Advocacy and Support for Abused Women.* Retrieved March 8, 2005, from http://www.lawc.on.ca/

Includes: Reports: Criminal Justice System, Domestic Violence Occurrence, Criminal Harassment, Bail & Violent Crime, Preventing or Responding to Occurrences Involving Firearms, Personalized Safety Plan for Abused Women, Protocol for Health Care Providers, and Assisting Abused Women.

Resources: There is also a lot of information in the Resource Section including: Safety plans, Resource numbers for abused women and families, Dating violence materials, and general materials on woman abuse.

Whiteside-Lantz, M. (2003). *The Empowerment Project: A Train-the-Trainer Tool-Kit for Delivering Self-Protection and Assertiveness Workshops to Women and Girls.* Fredericton, NB: Fredericton Sexual Assault Crisis Centre.

Family Violence and the Law
Facilitator's Evaluation Form

The Facilitator's Manual was developed to help you offer family violence and law training to people in your community. Special emphasis was placed on helping communities better respond to abused women by providing relevant family and criminal law information when they are dealing with abuse or leaving violent relationships. Your feedback on the delivery of Family Violence and the Law workshops is very important to us. Please take a few minutes to answer these questions. Your answers will help us make the training workshops more effective in the future.

Date: ______________________________
Location: ___________________________

1. How did you find the format of the Facilitor's Manual?
   ____ easy to use ____ difficult to use ____ could be improved

Comments:____
____
____

2. Were the facilitator's presentation notes clear and easy to follow?
   ____ clear? ____ somewhat clear? ____ difficult to understand?

Comments:____
____
____

3. Did you make use of the exercises and handouts in the manual to share the information and generate discussion? ____ Yes ____ No

If yes, which exercise worked best? ___________________________________
____

4. Was the time provided on the agenda sufficient for the delivery of each of the modules?
   ________Yes ________No

Comments:____
____

5. From the response of the participants, do you feel the workshop helped them to learn new and valuable information? _______Yes ________No

6. Were there gaps in information that should be addressed? _______Yes ________No

Comments: ____

____

7. Were the participants able to develop a community action plan?
Comments: ____

____

8. Were the participants aware of the need to be sensitive to issues of diversity in delivering information to women in their communities? _______Yes ________No

9. Were the facilities suitable for the training? _______Yes ________No

10. Were the coffee, snacks and lunch good? _______Yes ________No

11. Was your experience facilitating this workshop positive? _______Yes ________No

Comments: ____

____

12. We are interested in your general comments as well. Please give us your ideas, opinions, comments, and suggestions for improvement of the Facilitator's guide in particular, and the delivery of the workshop generally.

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Thank you very much for your cooperation! Please forward your response to:

Public Legal Education and
Information Service of New Brunswick
P.O. Box 6000
Fredericton, NB
E3B 5H1

Telephone: (506) 453 - 5369 Fax: (506) 462 -5193 Email: pleisnb@web.ca